



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

साप्ताहिक
WEEKLY

सं. 2] नई दिल्ली, जनवरी 3-जनवरी 9, 2010, शनिवार/पौष 13-पौष 19, 1931
No. 2] NEW DELHI, JANUARY 3-JANUARY 9, 2010, SATURDAY/PAUSA 13-PAUSA 19, 1931

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

गृह मंत्रालय

नई दिल्ली, 24 दिसम्बर, 2009

का.आ. 69.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, गृह मंत्रालय के निम्नलिखित कार्यालय में हिन्दी का कार्यसाधक ज्ञान रखने वाले कर्मचारियों की संख्या 80% से अधिक हो जाने के फलस्वरूप उसे एतद्वारा अधिसूचित करती है :-

भारत के महारजिस्ट्रार का कार्यालय

जनगणना कार्य निदेशालय, उत्तराखंड
16, राजपुर रोड, देहरादून-248001
(उत्तराखंड)

[सं. 12017/1/2008-हिन्दी]

अवधेश कुमार मिश्र, निदेशक (राजभाषा)

MINISTRY OF HOME AFFAIRS

New Delhi, the 24th December, 2009

S.O. 69.—In pursuance of sub rule (4) of Rule 10 of the Official Languages (Use for Official Purposes of the

Union) Rules, 1976, the Central Government hereby notifies the following office of the Ministry of Home Affairs where the percentage of Hindi knowing staff has gone above 80%:—

Office of the Registrar General, India

Directorate of Census Operations, Uttarakhand,
16, Rajpur Road, Dehradun-248001 (Uttarakhand).

[No. 12017/1/2008-Hindi]

AVADHESH KUMAR MISHRA, Director (OL)

वित्त मंत्रालय

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 30 दिसम्बर, 2009

का.आ. 70.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 9 के उपखंड (1) और (2) के साथ पठित, बैंकारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उपधारा (3) के खण्ड (ड) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री एम. जयनाथ, लिपिक, इंडियन बैंक को उनके पदभार ग्रहण करने की तिथि से तीन वर्षों की अवधि के लिए अथवा जब तक वे इंडियन बैंक

के कर्मकार कर्मचारी के रूप में अपना पद नहीं छोड़ देते अथवा अगले आदेशों तक, जो भी पहले हो, इंडियन बैंक के निदेशक मंडल में कर्मकार कर्मचारी निदेशक के रूप में नामित करती है।

[फा. सं. 9/31/2009-बीओ-1]

सुमिता डावरा, निदेशक

MINISTRY OF FINANCE

(Department of Financial Services)

New Delhi, 30th December, 2009

S.O. 70.—In exercise of the powers conferred by clause (e) of sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with Sub-clauses (1) & (2) of Clause 9 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government hereby appoints Shri M. Jayanath, Clerk, Indian Bank as Workmen Employee Director on the Board of Directors of Indian Bank for a period of three years from the date of taking over charge or until he ceases to be a workman employee of the Indian Bank or until further orders, whichever is the earliest.

[F. No. 9/31/2009-BO-I]

SUMITA DAWRA, Director

नई दिल्ली, 30 दिसम्बर, 2009

का.आ. 71.—भारतीय स्टेट बैंक (अनुबंजी बैंक) अधिनियम, 1959 (1959 का 38) की धारा 26 की उपधारा (2क) के साथ पठित धारा 25 की उपधारा (1) के खण्ड (गख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतद्वारा श्री एस. पी. चिने, मुख्य प्रबंधक, स्टेट बैंक आफ इन्दौर को 31-03-2011 तक की अवधि के लिए अर्थात् उनकी अधिवर्षिता की आयु प्राप्त करने की तिथि तक अथवा जब तक वे स्टेट बैंक आफ इन्दौर के अधिकारी के रूप में अपना पद नहीं छोड़ देते अथवा अगले आदेशों तक, जो भी पहले हो, स्टेट बैंक आफ इन्दौर के निदेशक मंडल में अधिकारी कर्मचारी निदेशक के रूप में नामित करती है।

[फा. सं. 8/4/2009-बीओ-1]

सुमिता डावरा, निदेशक

New Delhi, the 30th December, 2009

S.O. 71.—In exercise of the powers conferred by clause (cb) of sub-section (1) of Section 25 read with sub-section (2A) of Section 26 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959), the Central Government, after consultation with the Reserve Bank of India, hereby nominates Shri S.P. Chiny, Chief Manager, State Bank of Indore, as Officer employee Director on the Board of Directors of State Bank of Indore for a period upto 31-03-2011 i.e. the date of his attaining the age of

superannuation or until he ceases to be an officer of the State Bank of Indore or until further orders, whichever is the earliest.

[F. No. 8/4/2009-BO-I]

SUMITA DAWRA, Director

(राजस्व विभाग)

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 30 दिसम्बर, 2009

का.आ. 72.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा आयकर नियमावली, 1962 (उक्त नियमावली) के नियम 5ग और 5ड के साथ पठित आयकर अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ कर निर्धारण वर्ष 2009-2010 से आगे संगठन द इन्स्टिट्यूट ऑफ रोड ट्रांसपोर्ट, चेन्नई को निम्नलिखित शर्तों के अधीन आंशिक रूप से अनुसंधान कार्यकलापों में लगे 'अन्य संस्था' की श्रेणी में अधिसूचित किया जाता है, नामतः—

- (i) अनुमोदित संगठन को प्रदत्त राशि का उपयोग वैज्ञानिक अनुसंधान के लिए किया जाएगा;
- (ii) अनुमोदित संगठन अपने संकाय सदस्यों अथवा अपने नामांकित छात्रों के माध्यम से वैज्ञानिक अनुसंधान करेगा;
- (iii) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए इसके द्वारा प्राप्त राशि के संबंध में अलग खाता-बही रखेगा जिसमें अनुसंधान करने के लिए प्रयुक्त राशि दर्शाई गई हो, उक्त अधिनियम की धारा 288 की उप-धारा (2) के स्पष्टीकरण में यथा परिभाषित किसी लेखाकार से अपनी खाता-बही की लेखा परीक्षा कराएगा और उक्त अधिनियम की धारा 139 की उप-धारा (1) के अंतर्गत आय विवरणी प्रस्तुत करने की नियत तिथि तक ऐसे लेखाकार द्वारा विधिवत् सत्यापित एवं हस्ताक्षरित लेखा परीक्षा रिपोर्ट मामले में क्षेत्राधिकार रखने वाले आयकर आयुक्त अथवा आयकर निदेशक को प्रस्तुत करेगा;
- (iv) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए प्राप्त दान तथा प्रयुक्त राशि का अलग विवरण रखेगा और उपर्युक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षक द्वारा विधिवत् सत्यापित ऐसे विवरण की प्रति प्रस्तुत करेगा।

2. केंद्र सरकार यह अनुमोदन वापस ले लेगी यदि अनुमोदित संगठन :—

- (क) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित लेखा-बही नहीं रखेगा; अथवा
- (ख) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अपनी लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करेगा; अथवा
- (ग) पैराग्राफ 1 के उप-पैराग्राफ (iv) में उल्लिखित वैज्ञानिक अनुसंधान के लिए प्राप्त दान एवं प्रयुक्त राशि का अपना विवरण प्रस्तुत नहीं करेगा; अथवा

- (घ) अपना अनुसंधान कार्य करना बंद कर देगा अथवा इसके अनुसंधान कार्य को जायज नहीं पाया जाएगा; अथवा
- (ङ) उक्त नियमावली के नियम 5ग और 5ङ के साथ पठित उक्त अधिनियम की धारा 35 की उप-धारा (1) के खंड (ii) के प्रावधानों के अनुरूप नहीं होगा तथा उनका पालन नहीं करेगा।

[अधिसूचना सं. 96/2009/फा. सं. 203/24/2009/आ.क.नि.-II]

डॉ. संजय कुमार लाल, अवर सचिव

(Department of Revenue)

(Central Board of Direct Taxes)

New Delhi, the 30th December, 2009

S.O. 72.—It is hereby notified for general information that the organization **The Institute of Road Transport, Chennai** has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 (said Act), read with Rules 5C and 5E of the Income-tax Rules, 1962 (said Rules), from **Assessment year 2009-2010 onwards** in the category of 'other Institution', partly engaged in research activities subject to the following conditions, namely :—

- (i) The sums paid to the approved organization shall be utilized for scientific research;
- (ii) The approved organization shall carry out scientific research through its faculty members or its enrolled students;
- (iii) The approved organization shall maintain **separate books of account** in respect of the sums received by it for scientific research, reflect therein the amounts used for carrying out research, get such books audited by an accountant as defined in the explanation to sub-section (2) of Section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of Section 139 of the said Act;
- (iv) The approved organization shall maintain a **separate statement of donations** received and amounts applied for scientific research and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.

2. The Central Government shall withdraw the approval if the approved organization :—

- (a) fails to maintain **separate books of accounts** referred to in sub-paragraph (iii) of paragraph 1; or
- (b) fails to furnish its audit report referred to in sub-paragraph (iii) of paragraph 1; or
- (c) fails to furnish its statement of the donations received and sums applied for scientific research referred to in sub-paragraph (iv) of paragraph 1; or
- (d) ceases to carry on its research activities or its research activities are not found to be genuine, or
- (e) ceases to conform to and comply with the provisions of clause (ii) of sub-section (1) of section 35 of the said Act read with rules 5C and 5E of the said Rules.

[Notification No. 96/2009/F. No. 203/24/2009/ITA-II]

DR. SANJAY KUMAR LAL, Under Secy.

नई दिल्ली, 30 दिसम्बर, 2009

का.आ. 73.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केंद्र सरकार द्वारा आयकर नियमावली, 1962 (उक्त नियमावली) के नियम 5ग और 5ङ के साथ पठित आयकर अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ कर निर्धारण वर्ष 2009-2010 से आगे संगठन त्यागराजार कालेज आफ इंजीनियरिंग, मदुरै को निम्नलिखित शर्तों के अधीन आंशिक रूप से अनुसंधान कार्यकलापों में लगे 'कॉलेज' की श्रेणी में अधिसूचित किया जाता है, नामतः—

- (i) अनुमोदित संगठन को प्रदत्त राशि का उपयोग वैज्ञानिक अनुसंधान के लिए किया जाएगा;
- (ii) अनुमोदित संगठन अपने संकाय सदस्यों अथवा अपने नामांकित छात्रों के माध्यम से वैज्ञानिक अनुसंधान करेगा;
- (iii) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए इसके द्वारा प्राप्त राशि के संबंध में अलग खाता बही रखेगा जिसमें अनुसंधान करने के लिए प्रयुक्त राशि दर्शाई गई हो, उक्त अधिनियम की धारा 288 की उप धारा (2) के स्पष्टीकरण में यथा परिभाषित किसी लेखाकार से अपनी खाता-बही की लेखा परीक्षा कराएगा और उक्त अधिनियम की धारा 139 की उप धारा (1) के अंतर्गत आय विवरणी प्रस्तुत करने की नियत तिथि तक ऐसे लेखाकार द्वारा विधिवत सत्यापित एवं हस्ताक्षरित लेखा परीक्षा रिपोर्ट मामले में क्षेत्राधिकार रखने वाले आयकर आयुक्त अथवा आयकर निदेशक को प्रस्तुत करेगा;
- (iv) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए प्राप्त दान तथा प्रयुक्त राशि का अलग विवरण रखेगा और उपर्युक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षक द्वारा विधिवत सत्यापित ऐसे विवरण की प्रति प्रस्तुत करेगा।

2. केंद्र सरकार यह अनुमोदन वापस ले लेगी यदि अनुमोदित संगठन :-

- (क) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित लेखा बही नहीं रखेगा; अथवा
- (ख) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अपनी लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करेगा; अथवा
- (ग) पैराग्राफ 1 के उप-पैराग्राफ (iv) में उल्लिखित वैज्ञानिक अनुसंधान के लिए प्राप्त दान एवं प्रयुक्त राशि का अपना विवरण प्रस्तुत नहीं करेगा; अथवा
- (घ) अपना अनुसंधान कार्य करना बंद कर देगा अथवा इसके अनुसंधान कार्य को जायज नहीं पाया जाएगा; अथवा
- (ङ) उक्त नियमावली के नियम 5ग और 5ड के साथ पठित उक्त अधिनियम की धारा 35 की उप-धारा (1) के खंड (ii) के प्रावधानों के अनुरूप नहीं होगा तथा उनका पालन नहीं करेगा।

[अधिसूचना सं. 100/2009/फा. सं. 203/92/2009/आ.क.नि.-II]

डा. संजय कुमार लाल, अवर सचिव

New Delhi, the 30th December, 2009

S.O. 73.—It is hereby notified for general information that the organization **Thiagarajar College of Engineering, Madurai** has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 (said Act), read with Rules 5C and 5E of the Income-tax Rules, 1962 (said Rules), from Assessment year 2009-2010 onwards in the category of 'College', partly engaged in research activities subject to the following conditions, namely:—

- (i) The sums paid to the approved organization shall be utilized for scientific research;
- (ii) The approved organization shall carry out scientific research through its faculty members or its enrolled students;
- (iii) The approved organization shall maintain **separate books of account** in respect of the sums received by it for scientific research, reflect therein the amounts used for carrying out research, get such books audited by an accountant as defined in the explanation to sub-section (2) of Section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of Section 139 of the said Act;
- (iv) The approved organization shall maintain a **separate statement of donations** received and

amounts applied for scientific research and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.

2. The Central Government shall withdraw the approval if the approved organization :

- (a) fails to maintain **separate books of account** referred to in sub-paragraph (iii) of paragraph 1; or
- (b) fails to furnish its audit report referred to in sub-paragraph (iii) of paragraph 1; or
- (c) fails to furnish its statement of the donations received and sums applied for scientific research referred to in sub-paragraph (iv) of paragraph 1; or
- (d) ceases to carry on its research activities or its research activities are not found to be genuine; or
- (e) ceases to conform to and comply with the provisions of clause (ii) of sub-section (1) of section 35 of the said Act read with rules 5C and 5E of the said Rules.

[Notification No. 100/2009/F. No. 203/92/2009/ITA-II]

DR. SANJAY KUMAR LAL, Under Secy.

नई दिल्ली, 30 दिसम्बर, 2009

का.आ. 74.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केंद्र सरकार द्वारा आयकर नियमावली, 1962 (उक्त नियमावली) के नियम 5ग और 5ड के साथ पठित आयकर अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ कर निर्धारण वर्ष 2007-08 से आगे संगठन डायनेटिक एसोसिएशन आफ इंडिया, मुम्बई, को निम्नलिखित शर्तों के अधीन आंशिक रूप से अनुसंधान कार्यकलापों में लगे 'अन्य संस्था' की श्रेणी में अधिसूचित किया जाता है, नामतः—

- (i) अनुमोदित संगठन को प्रदत्त राशि का उपयोग वैज्ञानिक अनुसंधान के लिए किया जाएगा;
- (ii) अनुमोदित संगठन अपने संकाय सदस्यों अथवा अपने नामांकित छात्रों के माध्यम से वैज्ञानिक अनुसंधान करेगा;
- (iii) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए इसमें द्वारा प्राप्त राशि के संबंध में अलग खाता बही रखेगा जिसमें अनुसंधान करने के लिए प्रयुक्त राशि दर्शाई गई हो, उक्त अधिनियम की धारा 288 की उप धारा (2) के स्पष्टीकरण में यथा परिभाषित किसी लेखाकार से अपनी खाता-बही की लेखा परीक्षा कराएगा और उक्त अधिनियम की धारा 139 की उप धारा (1) के अंतर्गत आय विवरणी प्रस्तुत करने की नियत तिथि तक ऐसे लेखाकार द्वारा विधिवत सत्यापित एवं हस्ताक्षरित लेखा परीक्षा रिपोर्ट मामले में क्षेत्राधिकार रखने वाले आयकर आयुक्त अथवा आयकर निदेशक को प्रस्तुत करेगा;

(iv) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए प्राप्त दान तथा प्रयुक्त राशि का अलग विवरण रखेगा और उपर्युक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षक द्वारा विधिवत सत्यापित ऐसे विवरण की प्रति प्रस्तुत करेगा।

2. केंद्र सरकार यह अनुमोदन वापस ले लेगी यदि अनुमोदित संगठन :-

- (क) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित लेखा बही नहीं रखेगा; अथवा
- (ख) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अपनी लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करेगा; अथवा
- (ग) पैराग्राफ 1 के उप-पैराग्राफ (iv) में उल्लिखित वैज्ञानिक अनुसंधान के लिए प्राप्त दान एवं प्रयुक्त राशि का अपना विवरण प्रस्तुत नहीं करेगा; अथवा
- (घ) अपना अनुसंधान कार्य करना बंद कर देगा अथवा इसके अनुसंधान कार्य को जायज नहीं पाया जाएगा; अथवा
- (ङ) उक्त नियमावली के नियम 5ग और 5ड के साथ पठित उक्त अधिनियम की धारा 35 की उप-धारा (1) के खंड (ii) के प्रावधानों के अनुरूप नहीं होगा तथा उनका पालन नहीं करेगा।

[अधिसूचना सं. 95/2009/फा. सं. 203/17/2009/आ.क.नि.-II]

डा. संजय कुमार लाल, अवर सचिव

New Delhi, the 30th December, 2009

S.O. 74.—It is hereby notified for general information that the organization **Diabetic Association of India, Mumbai** has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 (said Act), read with Rules 5C and 5E of the Income-tax Rules, 1962 (said Rules), from **Assessment year 2007-08 onwards** in the category of 'other institution', partly engaged in research activities subject to the following conditions, namely:—

- (i) The sums paid to the approved organization shall be utilized for scientific research;
- (ii) The approved organization shall carry out scientific research through its faculty members or its enrolled students;
- (iii) The approved organization shall maintain **separate books of account** in respect of the sums received by it for scientific research, reflect therein the amounts used for carrying out research, get such books audited by an accountant as defined in the explanation to sub-Section (2) of section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case,

by the due date of furnishing the return of income under sub-section (1) of Section 139 of the said Act;

- (iv) The approved organization shall maintain a **separate statement of donations** received and amounts applied for scientific research and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.

2. The Central Government shall withdraw the approval if the approved organization :

- (a) fails to maintain **separate books of account** referred to in sub-paragraph (iii) of paragraph 1; or
- (b) fails to furnish its audit report referred to in sub-paragraph (iii) of paragraph 1; or
- (c) fails to furnish its statement of the donations received and sums applied for scientific research referred to in sub-paragraph (iv) of paragraph 1; or
- (d) ceases to carry on its research activities or its research activities are not found to be genuine; or
- (e) ceases to conform to and comply with the provisions of clause (ii) of sub-section (1) of section 35 of the said Act, read with rules 5C and 5E of the said Rules.

[Notification No. 95/2009/F. No. 203/17/2009/ITA-II]

DR. SANJAY KUMAR LAL, Under Secy.

नई दिल्ली, 30 दिसम्बर, 2009

का.आ. 75.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केंद्र सरकार द्वारा आयकर नियमावली, 1962 (उक्त नियमावली) के नियम 5ग और 5ड के साथ पठित आयकर अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 की उपधारा (1) के खंड (iii) के प्रयोजनार्थ **कर निर्धारण वर्ष 2009-10 से आगे संगठन गिरी इंस्टिट्यूट ऑफ डेवलपमेंट स्टडीज, लखनऊ** को निम्नलिखित शर्तों के अधीन आंशिक रूप से अनुसंधान कार्यकलापों में लगे 'अन्य संस्था' की श्रेणी में अधिसूचित किया जाता है, नामतः—

- (i) अनुमोदित संगठन को प्रदत्त राशि का उपयोग सामाजिक अनुसंधान में अनुसंधान के लिए किया जाएगा;
- (ii) अनुमोदित संगठन अपने संकाय सदस्यों अथवा अपने नामांकित छात्रों के माध्यम से सामाजिक विज्ञान में अथवा सांख्यिकीय अनुसंधान में अनुसंधान करेगा;
- (iii) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए इसके द्वारा प्राप्त राशि के संबंध में अलग खाता बही रखेगा

जिसमें अनुसंधान करने के लिए प्रयुक्त राशि दर्शाई गई हो, उक्त अधिनियम की धारा 288 की उप धारा (2) के स्पष्टीकरण में यथा परिभाषित किसी लेखाकार से अपनी खाता-बही की लेखा परीक्षा कराएगा और उक्त अधिनियम की धारा 139 की उप धारा (1) के अंतर्गत आय विवरणी प्रस्तुत करने की नियत तिथि तक ऐसे लेखाकार द्वारा विधिवत सत्यापित एवं हस्ताक्षरित लेखा परीक्षा रिपोर्ट मामले में क्षेत्राधिकार रखने वाले आयकर आयुक्त अथवा आयकर निदेशक को प्रस्तुत करेगा ;

(iv) अनुमोदित संगठन सामाजिक विज्ञान में अनुसंधान के लिए प्राप्त दान तथा प्रयुक्त राशि का अलग विवरण रखेगा और उपर्युक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षक द्वारा विधिवत सत्यापित ऐसे विवरण की प्रति प्रस्तुत करेगा ।

2. केंद्र सरकार यह अनुमोदन वापस ले लेगी यदि अनुमोदित संगठन :-

- (क) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित लेखा बही नहीं रखेगा; अथवा
- (ख) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अपनी लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करेगा; अथवा
- (ग) पैराग्राफ 1 के उप-पैराग्राफ (iv) में उल्लिखित सामाजिक विज्ञान अथवा सांख्यिकीय अनुसंधान में अनुसंधान के लिए प्राप्त दान एवं प्रयुक्त राशि का अपना विवरण प्रस्तुत नहीं करेगा; अथवा
- (घ) अपना अनुसंधान कार्य करना बंद कर देगा अथवा इसके अनुसंधान कार्य को जायज नहीं पाया जाएगा; अथवा
- (ङ) उक्त नियमावली के नियम 5ग और 5ड के साथ पठित उक्त अधिनियम की धारा 35 की उप-धारा (1) के खंड (iii) के प्रावधानों के अनुरूप नहीं होगा तथा उनका पालन नहीं करेगा ।

[अधिसूचना सं. 99/2009/फा. सं. 203/81/2009/आ.क.नि.-II]

डा. संजय कुमार लाल, अवर सचिव

New Delhi, the 30th December, 2009

S.O. 75.—It is hereby notified for general information that the organization **Giri Institute of Development Studies, Lucknow** has been approved by the Central Government for the purpose of clause (iii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 (said Act), read with Rules 5C and 5E of the Income-tax Rules, 1962 (said Rules), from **Assessment year 2009-10 onwards** in the category of '**other Institution**', partly engaged in research activities subject to the following conditions, namely : -

- (i) The sums paid to the approved organization shall be utilized for research in social sciences;
- (ii) The approved organization shall carry out research in social science or statistical research through its faculty members or its enrolled students;
- (iii) The approved organization shall maintain **separate books of account** in respect of the sums received by it for scientific research, reflect therein the amounts used for carrying out research, get such books audited by an accountant as defined in the explanation to sub-section (2) of section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of Section 139 of the said Act;
- (iv) The approved organization shall maintain a **separate statement of donations** received and amounts applied for research in social sciences and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.

2. The Central Government shall withdraw the approval if the approved organization :

- (a) fails to maintain **separate books of account** referred to in sub-paragraph (iii) of paragraph 1; or
- (b) fails to furnish its audit report referred to in sub-paragraph (iii) of paragraph 1; or
- (c) fails to furnish its statement of the donations received and sums applied for research in social sciences or statistical research referred to in sub-paragraph (iv) of paragraph 1; or
- (d) ceases to carry on its research activities or its research activities are not found to be genuine; or
- (e) ceases to conform to and comply with the provisions of clause (iii) of sub-section (1) of Section 35 of the said Act read with rules 5C and 5E of the said Rules.

[Notification No. 99/2009/F. No. 203/81/2009/ITA-II]

DR. SANJAY KUMAR LAL, Under Secy.

नई दिल्ली, 30 दिसम्बर, 2009

का.आ. 76.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केंद्र सरकार द्वारा आयकर नियमावली, 1962 (उक्त नियमावली) के नियम 5ग और 5ड के

साथ पठित आयकर अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 की उपधारा (1) के खंड (iii) के प्रयोजनार्थ कर निर्धारण वर्ष 2009-2010 से आगे संगठन मद्रास स्कूल आफ इकोनामिक्स, चेन्नई को निम्नलिखित शर्तों के अधीन आंशिक रूप से अनुसंधान कार्यकलापों में लगे 'कालेज' की श्रेणी में अधिसूचित किया जाता है, नामतः—

- (i) अनुमोदित संगठन को प्रदत्त राशि का उपयोग सामाजिक विज्ञान में अनुसंधान के लिए किया जाएगा ;
- (ii) अनुमोदित संगठन अपने संकाय सदस्यों अथवा अपने नामांकित छात्रों के माध्यम से सामाजिक विज्ञान अथवा सांख्यिकीय अनुसंधान में अनुसंधान करेगा ;
- (iii) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए इसके द्वारा प्राप्त राशि के संबंध में अलग खाता बही रखेगा जिसमें अनुसंधान करने के लिए प्रयुक्त राशि दर्शाई गई हो, उक्त अधिनियम की धारा 288 की उप धारा (2) के स्पष्टीकरण में यथा परिभाषित किसी लेखाकार से अपनी खाता-बही की लेखा परीक्षा कराएगा और उक्त अधिनियम की धारा 139 की उप धारा (1) के अंतर्गत आय विवरणी प्रस्तुत करने की नियत तिथि तक ऐसे लेखाकार द्वारा विधिवत सत्यापित एवं हस्ताक्षरित लेखा परीक्षा रिपोर्ट मामले में क्षेत्राधिकार रखने वाले आयकर आयुक्त अथवा आयकर निदेशक को प्रस्तुत करेगा ;
- (iv) अनुमोदित संगठन सामाजिक विज्ञान में अनुसंधान के लिए प्राप्त दान तथा प्रयुक्त राशि का अलग विवरण रखेगा और उपर्युक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षक द्वारा विधिवत सत्यापित ऐसे विवरण की प्रति प्रस्तुत करेगा ।

2. केंद्र सरकार यह अनुमोदन वापस ले लेगी यदि अनुमोदित संगठन :—

- (क) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित लेखा बही नहीं रखेगा; अथवा
- (ख) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अपनी लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करेगा; अथवा
- (ग) पैराग्राफ 1 के उप-पैराग्राफ (iv) में उल्लिखित सामाजिक विज्ञान अथवा सांख्यिकीय अनुसंधान में अनुसंधान के लिए प्राप्त दान एवं प्रयुक्त राशि का अपना विवरण प्रस्तुत नहीं करेगा; अथवा
- (घ) अपना अनुसंधान कार्य करना बंद कर देगा अथवा इसके अनुसंधान कार्य को जायज नहीं पाया जाएगा; अथवा
- (ङ) उक्त नियमावली के नियम 5ग और 5ड के साथ पठित उक्त अधिनियम की धारा 35 की उप-धारा (1) के खंड

(iii) के प्रावधानों के अनुरूप नहीं होगा तथा उनका पालन नहीं करेगा ।

[अधिसूचना सं. 98/2009/फा. सं. 203/56/2009/आ.क.नि.-II]

डा. संजय कुमार लाल, अवर सचिव

New Delhi, the 30th December, 2009

S.O. 76.—It is hereby notified for general information that the organization Madras School of Economics, Chennai has been approved by the Central Government for the purpose of clause (iii) of sub-section (1) of section 35 of the Income-tax Act, 1961 (said Act), read with Rules 5C and 5E of the Income-tax Rules, 1962 (said Rules), from Assessment year 2009-10 onwards in the category of 'College', partly engaged in research activities subject to the following conditions, namely :—

- (i) The sums paid to the approved organization shall be utilized for research in social sciences;
- (ii) The approved organization shall carry out research in social science or statistical research through its faculty members or its enrolled students;
- (iii) The approved organization shall maintain separate books of accounts in respect of the sums received by it for scientific research, reflect therein the amounts used for carrying out research, get such books audited by an accountant as defined in the explanation to sub-section (2) of Section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of Section 139 of the said Act;
- (iv) The approved organization shall maintain a separate statement of donations received and amounts applied for research in social sciences and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.

2. The Central Government shall withdraw the approval if the approved organization :—

- (a) fails to maintain separate books of accounts referred to in sub-paragraph (iii) of paragraph 1; or
- (b) fails to furnish its audit report referred to in sub-paragraph (iii) of paragraph 1; or
- (c) fails to furnish its statement of the donations received and sums applied for research in social sciences or statistical research referred to in sub-paragraph (iv) of paragraph 1; or

(d) ceases to carry on its research activities or its research activities are not found to be genuine; or

(c) ceases to conform to and comply with the provisions of clause (iii) of sub-section (1) of Section 35 of the said Act read with Rules 5C and 5E of the said Rules.

[Notification No. 98/2009/F. No. 203/56/2009/ITA-II]

DR. SANJAY KUMAR LAL, Under Secy.

सूचना एवं प्रसारण मंत्रालय

नई दिल्ली, 10 दिसम्बर, 2009

का.आ. 77.—मंत्रालय के दिनांक 10-11-2009 की समसंख्यक अधिसूचना के अनुक्रम में तथा चलचित्र (प्रमाणन) नियमावली, 1983 के नियम, 7 एवं 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) के खंड 5 उप-खंड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार निम्नलिखित व्यक्तियों को तत्काल प्रभाव से 2 वर्षों की अवधि के लिए अथवा अगले आदेश तक, इनमें से जो भी पहले घटित हो, केन्द्रीय फिल्म प्रमाणन बोर्ड के चेनई सलाहकार पैनल के सदस्यों के रूप में नियुक्त करती है :—

क्र. सं.	नाम
1	2
1	श्री राजम एम. पी. नाथन
2	श्री ई. बी. राजन
3	श्री कु. का. सेलवम
4	श्री एम.पी. बालासुब्रमणियन
5	श्री ईरोड तमियनवन
6	श्री के. स्वर्णम
7	श्री आर. श्रीनिवासन
8	श्री नल्ली कुप्पुस्वामी चेट्टियार
9	श्री वेंकटाचलम थियानवन
10	श्री आर. एल. कण्णन
11	श्री एच.एम. मुस्तफा
12	श्री ए.एस.टी. जयरामन
13	श्री सी. बालासुन्दरम
14	श्री एस.बी.के. अरिवयगन
15	श्री के. स्वामीनाथन
16	श्री ए.जे. जॉय
17	डॉ. रवि भारती

1	2
18	श्री ए. बालाकृष्णन
19	श्री जी.आर. वेंकटेश
20	डॉ. बी. नागराजन
21	श्री के. बालासुब्रमणियन
22	श्री ए. बी. श्रीनिवासन
23	श्री एम. कुमरेसन
24	श्री विष्णु वर्धन रेड्डी
25	श्री बी.एस. नायडू
26	श्री आर. मोहन
27	डॉ. एस. अमुदा कुमार
28	डॉ. एम. कार्तिकेयन
29	श्री श्रीनिवास राव
30	डॉ. विजय शंकर
31	श्री वेय्यर रवि
32	श्री एम.बी. सुरेश
33	श्री आर.एम. अब्दुलकलाम
34	श्री एस. अरूणामोयी
35	श्री रजत
36	श्री बी. बालू
37	श्री आर.एस. प्रकाश
38	श्री पी.एन. राजेंद्रन
39	श्री रंगनाथन रत्नम
40	श्री कायल दिनकरन
41	श्री सा. गणेशन
42	प्रो. एम.पी. बालासुब्रमणियन
43	कविगर मु मेहता
44	पी. बी. कल्याणमुंदरम
45	श्री 'पूची' मुरुगन
46	श्री शण्मुगसुंदरम
47	श्री चन्द्रशेखर
48	श्री थियानू
49	श्री डी. कुमार
50	श्री नक्कीरन
51	श्री एस. शंकरवेल

1	2
52	श्री सूर्यराजकुमार
53	श्रीमती एस. कधीजा शिरीन
54	सुश्री ए. गिरिजा
55	श्रीमती एम. सरोजा
56	श्रीमती गीतालक्ष्मी
57	श्रीमती लक्ष्मी राजराम
58	श्रीमती द्विज कुमारी
59	श्रीमती सुशीला पद्मनाभन
60	श्रीमती प्रेमा श्रीनिवासन
61	श्रीमती बानू लॉरेंस
62	श्रीमती मीना सेल्वराज
63	डॉ. ललिता सुब्रमणियन
64	श्रीमती श्रीलेखा माधव
65	श्रीमती सुधा श्रीनिवासन
66	श्रीमती सुगंधा श्रीनिवासन
67	श्रीमती कौशलया पद्मनाभन
68	श्रीमती एस. प्रेमा
69	श्रीमती एस. सरस्वती
70	श्रीमती निर्मला सुरेश
71	डॉ. जया श्रीधर
72	श्रीमती ललिता श्रीराम
73	डॉ. के. मालती
74	श्रीमती निकिला
75	श्रीमती स्वर्ण राजा
76	श्रीमती गोकिला स्वामीनाथन
77	श्रीमती मीरा बालाजी
78	सुश्री तिरुप्पुर सरोजा
79	श्रीमती स्वर्णलता
80	सुश्री एम.पी. बाला मीरा
81	डॉ. सुजाता मनोहरन

[फा. सं. 809/1/2009-एफ(सी)]

अमिताभ कुमार, निदेशक (फिल्म)

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 10th December, 2009

S.O. 77.—In continuation of Ministry's Notification of even number, dated 10-11-2009 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read

with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to appoint the following persons as members of the Chennai Advisory panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier :

S. No.	Name
1	2
1	Shri Rajam M.P. Nathan
2	Shri E.V. Rajan
3	Shri Ku. Ka. Selvam
4	Sh. M.P. Balasubramanian
5	Dr. Erode Thamizhanban
6	Shri K. Swarnam
7	Shri R. Srinivasan
8	Shri Nalli Kuppaswamy Chettiar
9	Shri Venkatachalam Thayanban
10	Shri R.L. Kannan
11	Shri H. M. Mustafa
12	Shri A.S.T. Jayaraman
13	Shri C. Balasundaram
14	Shri S.V.K. Arivazhagan
15	Shri K. Swaminathan
16	Shri A. J. Joy
17	Dr. Ravi Bharathi
18	Shri A. Balakrishnan
19	Shri G.R. Venkatesh
20	Dr. V. Nagarajan
21	Shri K. Balasubramanian
22	Shri A.V. Srinivasan
23	Shri M. Kumaresan
24	Shri Vishnu Vardhan Reddy
25	Shri V.S. Naidu
26	Shri R. Mohan
27	Dr. S. Amutha Kumar
28	Dr. M. Kaarthikeyan
29	Shri Srinivasa Rao
30	Dr. Vijaya Shankar
31	Shri Vheyyar Ravi
32	Shri M.V. Suresh
33	Shri R. M. Abdulkalam

1	2
34. Shri S. Arunmozhi	
35. Shri Rajath	
36. Shri V. Balu	
37. Shri P. S. Prakash	
38. Shri P. N. Rajendran	
39. Shri Renganathan Rathinam	
40. Shri Kayal Dinakaran	
41. Shri Sa. Ganesan	
42. Prof. M. P. Balasubramanian	
43. Shri Kavingar Mu Mehta	
44. Shri P. V. Kalyanasundaram	
45. Shri 'Poochi' Murugan	
46. Shri Shanmugasundaram	
47. Shri Chandrasekar	
48. Shri Thyagu	
49. Shri D. Kumar	
50. Shri Nakkeeran	
51. Shri S. Sankervael	
52. Shri Suryarajkumar	
53. Smt. S. Katheeya Shireen	
54. Ms. A. Girija	
55. Smt. M. Soroja	
56. Smt. Geethalakshmi	
57. Smt. Lakshimi Rajaram	
58. Smt. Divijakumari	
59. Smt. Susheela Padmanabhan	
60. Smt. Prema Srinivasan	
61. Smt. Banu Lawrence	
62. Smt. Meena Selvaraj	
63. Dr. Lalitha Subramanian	
64. Smt. Srilekha Madhav	
65. Smt. Sudha Srinivasan	
66. Smt. Sugandha Srinivasan	
67. Smt. Kausalya Padmanabhan	
68. Smt. S. Prema	
69. Smt. S. Saraswathy	
70. Smt. Nirmala Suresh	
71. Dr. Jaya Sridhar	
72. Smt. Lalitha Sriram	

1	2
73. Dr. K. Malathi	
74. Smt. Nikila	
75. Smt. Swarna Raja	
76. Smt. Gokila Swaminatan	
77. Smt. Meera Balaji	
78. Ms. Thiruppur Saroja	
79. Smt. Swarnalatha	
80. Ms. M. P. Bala Meera	
81. Dr. Sujatha Manoharan	

[F. No. 809/1/2009-F.(C)]

AMITABH KUMAR, Director (Films)

रेल मंत्रालय

रेलवे बोर्ड

नई दिल्ली, 30 दिसम्बर, 2009

का.आ. 78.—रेल मंत्रालय (रेलवे बोर्ड), राजभाषा नियम, 1976 (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम 10 के उपनियम (2) और (4) के अनुसरण में पूर्वोक्त रेलवे के इञ्जतनगर मंडल के निम्नलिखित कार्यालयों का जहाँ 80% से अधिक अधिकारियों/कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्वारा अधिसूचित करता है :—

क्र. सं.	कार्यालय का नाम
1	2
1.	मुख्य चिकित्सा अधीक्षक, इञ्जतनगर
2.	वरिष्ठ मंडल यांत्रिक इंजीनियर/डीजल, इञ्जतनगर
3.	उप मुख्य सानग्री प्रबंधक, इञ्जतनगर
4.	उप मुख्य इंजीनियर/निर्माण, इञ्जतनगर
5.	वरिष्ठ मंडल चिकित्सा अधिकारी, बरेली सिटी
6.	वरिष्ठ मंडल चिकित्सा अधिकारी, मथुरा छावनी
7.	वरिष्ठ मंडल चिकित्सा अधिकारी, पीलीभीत
8.	वरिष्ठ मंडल चिकित्सा अधिकारी, लालकुआँ
9.	वरिष्ठ मंडल चिकित्सा अधिकारी, काठगोदाम
10.	वरिष्ठ मंडल चिकित्सा अधिकारी, काशीपुर
11.	सहायक मंडल इंजीनियर, काशीपुर
12.	मंडल रेल प्रबंधक कार्यालय, इञ्जतनगर
13.	वरिष्ठ सहायक नगर इंजीनियर, इञ्जतनगर
14.	सहायक मंडल इंजीनियर/लाइन, इञ्जतनगर
15.	वरिष्ठ मंडल चिकित्सा अधिकारी, कासगंज
16.	सहायक मंडल इंजीनियर, पीलीभीत

विज्ञान और प्रौद्योगिकी विभाग

नई दिल्ली, 29 दिसम्बर, 2009

का.आ. 79.—श्री चित्रा तिरुनल आयुर्विज्ञान और प्रौद्योगिकी संस्थान, त्रिवेन्द्रम अधिनियम, 1980 (1980 की संख्या 52) की धारा 6 की उप-धारा (1) और (2) के साथ पठित धारा 5 के खण्ड जे के प्रावधानों के तहत प्रो. पी.जे. कुरियन, सदस्य, राज्य सभा को दिनांक 16 दिसम्बर, 2009 से उक्त संस्थान के सदस्य के रूप में विधिवत् निर्वाचित किया गया है।

स्थायी पता	दिल्ली का पता
पल्लथ, पो. आफिस-पोडूथोडी	302, ब्रह्मपुत्र कॉम्प्लेक्स,
वेनीकुलम, केरल।	डा. बी.डी. मार्ग,
	नई दिल्ली।

2. निर्वाचित सदस्य के रूप में प्रो. पी.जे. कुरियन के कार्यालय की अवधि 01 जुलाई, 2012 तक अथवा सदन की उनकी सदस्यता समाप्त होने तक, जो भी पहले हो, होगी।

3. प्रो. पी.जे. कुरियन की सदस्यता श्री चित्रा तिरुनल आयुर्विज्ञान और प्रौद्योगिकी संस्थान, त्रिवेन्द्रम, अधिनियम, 1980 के अन्य प्रावधानों के अधीन होगी।

[सं. ए.आई/एस. सी. टी.आई.एम.एस.टी/09/04]

सुमन के. अग्रवाल, उपसचिव

DEPARTMENT OF SCIENCE AND TECHNOLOGY

New Delhi, the 29th December, 2009

S.O. 79.— In terms of the provisions of Clause-J of Section-5 read with Sub-section (1) and (2) of Section 6 of the Sree Chitra Tirunal Institute of Medical Sciences and Technology, Trivandrum Act, 1980 (No. 52 of 1980), Prof. P.J. Kurien, Member, Rajya Sabha has been duly elected to be a member of the said Institute w.e.f. 16th December, 2009.

Permanent Address	Delhi Address
Pallath, P.O.- Poduthode,	302, Brahmaputra
Vennikullam, Kerala	Complex,
	Dr. B.D. Marg,
	New Delhi.

2. The term of Office of Prof. P. J. Kurien as the elected member shall be upto 1st July, 2012 and the same shall come to an end as soon as he ceases to be Member of the House, whichever is earlier.

3. The Membership of Prof. P. J. Kurien shall be subject to other provisions of Sree Chitra Tirunal Institute of Medical Sciences and Technology, Trivandrum Act, 1980.

[No. AI/SCTIMST/009/04]

SUMAN K. AGRAWAL, Dy. Secy:

- | | |
|--|---|
| 1 | 2 |
| 17. सहा. मं. सिग. एवं दूरसंचार इंजीनियर, फतेहगढ़ | |
| 18. सहायक मंडल इंजीनियर, मथुरा छावनी | |
| 19. सहायक मंडल इंजीनियर, फतेहगढ़ | |

[सं. हिंदी-2009/रा.भा.-1/12/2]

संसार चंद, निदेशक, राजभाषा, रेलवे बोर्ड

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 30th December, 2009

S.O. 78.—Ministry of Railways (Railway Board), in pursuance of Sub Rule (2) and (4) of Rule 10 of the Official Language Rules, 1976 (use for the official purposes of the Union) hereby, notify the following Offices of Izatnagar Division of N.E. Rly, where 80% or more Officers/Employees have acquired the working knowledge of Hindi :—

Sl. No. Name of the Office

1. Chief Medical Superintendent, Izatnagar.
2. Senior Divisional Mech. Engineer, IZN.
3. Dy. Chief Material Manager, IZN
4. Dy. Chief Engineer/Construction, IZN
5. Sr. Div. Medical Officer, Bareilly City
6. Sr. Div. Medical Officer, Mathura Cantt
7. Sr. Div. Medical Officer, Pilibhit
8. Sr. Div. Medical Officer, Lalkua
9. Sr. Div. Medical Officer, Kathgodam
10. Sr. Div. Medical Officer, Kashipur
11. Assistant Divisional Engineer, Kashipur
12. Div. Railway Manager, Izatnagar
13. Sr. Asstt. Town Engineer, Izatnagar
14. Asstt. Div. Engineer/ Line, Izatnagar
15. Sr. Div. Medical Officer, Kashganj
16. Asstt. Divisional Engineer, Pilibhit
17. Asstt. Div. Signal & Tele. Engr., Fatehgarh
18. Asstt. Div. Engineer, Mathura Cantt
19. Asstt. Div. Engineer, Fatehgarh

[No. Hindi-2009/O.L. 1/12/2]

SANSAR CHAND, Director (O. L.), Railway Board

खान मंत्रालय

नई दिल्ली, 18 दिसम्बर, 2009

क्रा.आ. 80.—केंद्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में, भारतीय भूवैज्ञानिक सर्वेक्षण जो खान मंत्रालय का अधीनस्थ कार्यालय है, के निम्नलिखित कार्यालयों को, जिनके 80 प्रतिशत से अधिक कर्मचारी-वृंद ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है, अर्थात् :-

- (1) परिचालन अरुणाचल प्रदेश, पूर्वोत्तर क्षेत्र, ईटानगर
- (2) त्रिपुरा मिजोरम मण्डल, अगरतला
- (3) हवाई खनिज सर्वेक्षण एवं गवेषण स्कंध, नागपुर
- (4) हवाई खनिज सर्वेक्षण एवं गवेषण स्कंध, जयपुर

2. यह अधिसूचना राजपत्र में प्रकाशन की तारीख से प्रवृत्त होगी।

[सं. ई-17011/1/2006-हिंदी]

अजिता बाजपेयी पाण्डे, संयुक्त सचिव

MINISTRY OF MINES

New Delhi, the 18th December, 2009

S.O. 80.—In pursuance of sub-rule (4) of rule 10 of the Official Language (use for official purpose of the Union) Rules, 1976 the Central Government hereby notifies the following offices, under the Geological Survey of India, a subordinate office of the Ministry of Mines, whereof more than 80% staff have acquired the working knowledge of Hindi, namely :—

- (1) Operation Arunachal Pradesh, North East Region, Itanagar.
- (2) Tripura-Mizoram Division, Agartala
- (3) Airborne Mineral Survey and Exploration Wing, Nagpur.
- (4) Airborne Mineral Survey and Exploration Wing, Jaipur.

2. This notification shall come into force from the date of publication in the official Gazette.

[No. E-17011/1/2006-Hindi]

AJITA BAJPAI PANDE, Jr. Secy.

भारी उद्योग और लोक उद्यम मंत्रालय

(भारी उद्योग विभाग)

आदेश

नई दिल्ली, 31 दिसम्बर, 2009

क्रा.आ. 81.—विकास परिषद् (क्रियाविधि) नियम, 1952 के नियम 2, 3, 4 और 5 के साथ पठित उद्योग (विकास और विनियम)

अधिनियम, 1951 (1951 का 65) के खण्ड 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार भारी उद्योग और लोक उद्यम मंत्रालय, भारी उद्योग विभाग में भारत सरकार के आदेश संख्या एस. ओ. 1733 दि. 12 जुलाई, 2008 में निम्नलिखित संशोधन करती है :-

उक्त अधिसूचना में :-

- (i) पैरा सं. 1 में क्र. सं. 24 और 25 तथा उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्याएं और प्रविष्टियां होंगी, अर्थात् :-

“24. श्री आर. वासुदेवन

—सदस्य

25. औद्योगिक सलाहकार, भारी उद्योग विभाग, नई दिल्ली में हेवी इलेक्ट्रिकल उद्योग के प्रभारी,

सदस्य सचिव पदन”

- (ii) पैरा 3 हटा दिया जाएगा।

[फा. सं. 6 (2) 07-पेई X1]

वी. सी. अग्रवाल, औद्योगिक सलाहकार

MINISTRY OF HEAVY INDUSTRIES AND PUBLIC ENTERPRISES

(Department of Heavy Industry)

ORDER

New Delhi, the 31st December, 2009

S.O. 81.—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), read with rules 2, 3, 4 and 5 of the Development Council Procedural Rules, 1952, the Central Government hereby amends the Order of the Govt. of India in the Ministry of Heavy Industry and Public Enterprises, Department of Heavy Industry number S.O. 1733, dated the 12th July, 2008, namely :—

In the said notification,—

- (i) in paragraph, 1, for serial numbers, 24 & 25 and the entries relating thereto, the following serial numbers, and entries shall be substituted, namely :—

“24. Shri R. Vasudevan— Member

25. Industrial Adviser, In charge of Heavy Electrical Industry in the Department of Heavy Industry, New Delhi

—Member Secretary, Ex-Officio”

- (ii) Paragraph 3 shall be omitted.

[F. No. 6(2)/07-PE, XI]

V. C. AGARWAL, Industrial Adviser

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

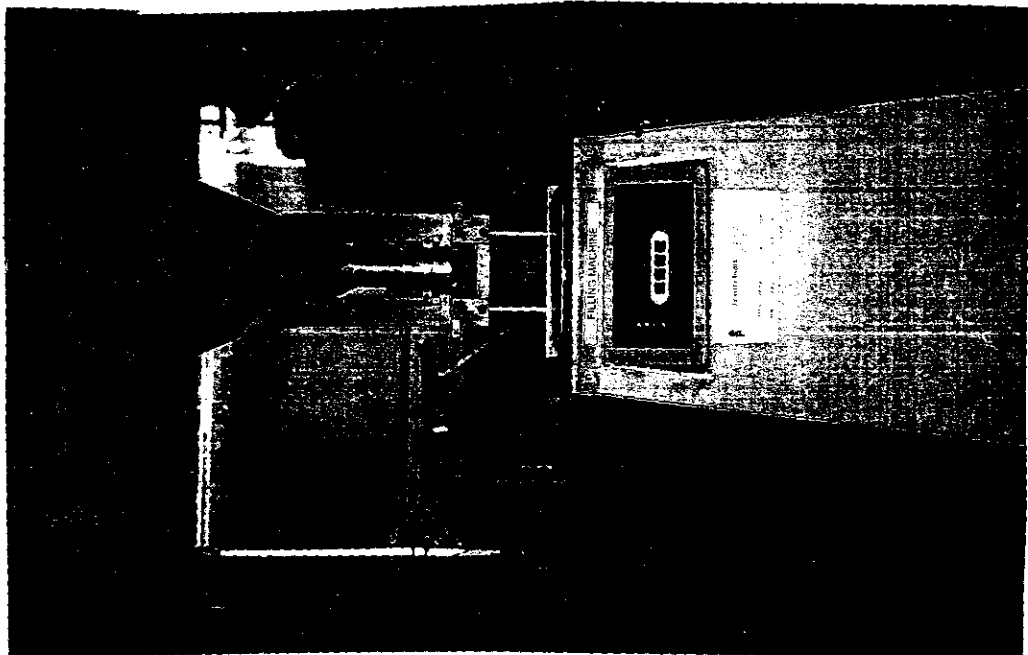
(उपभोक्ता मामले विभाग)

नई दिल्ली, 16 दिसम्बर, 2009

का.आ. 82.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स फिस्टर इंडिया, 4, जय मल्हार रोड, ई ई हाइवे, कुर्ला सिंगल, चेम्बूर, मुंबई-71 द्वारा विनिर्मित यथार्थता वर्ग, रेफ X(1) वाले "डब्ल्यू एफ बी" शृंखला के स्वचालित ग्रेविमेट्रिक फिलिंग उपकरण (बैच तोलन भरने के लिए) के मॉडल का, जिसके ब्रांड का नाम "फिस्टर इंडिया" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/43 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित स्वचालित ग्रेविमेट्रिक फिलिंग इंस्ट्रुमेंट है। इसकी अधिकतम क्षमता 10 कि.ग्रा. और न्यूनतम क्षमता 3 कि. ग्रा. है। मापमान अंतराल "डी" का मान 1 ग्रा. है। इसकी अधिकतम भरण दर 15 फिल/मिनट है। मशीन को सीमेंट, चाय, मसाले, चीनी, चावल, नमक, सूजी, डिटरजेंट, बीज, औषधियां पाउडर और कृषीय उत्पाद आदि फ्री फ्लोइंग को भरने के लिए डिजाइन किया गया है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 इंडिकेटर के मॉडल का सीलिंग प्रावधान

कपटपूर्ण उपयोग को रोकने के लिए स्टैमिंग प्लेट पर सीलिंग प्वाइंट फिक्स किया जाता है। ट्रिम पॉट, इंडिकेटर की बाँड़ी के भीतर होता है और पॉस्ट का समायोजित करने के लिए बाँड़ी पर कोई छेद उपलब्ध नहीं कराया जाता है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5000 ग्रा. तक की क्षमता वाले हैं।

[फा. सं. डब्ल्यू.एम. 21 (06)/2009]

आर. माथुरबुधम, निदेशक, विधिक माप विज्ञान

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

New Delhi, the 16th December, 2009

S.O. 82.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of Automatic Gravimetric Filling instrument (filling and batch weighing) belonging to Accuracy Class X(1) of 'WFB' series with brand "FEASTER INDIA" (hereinafter referred to as the said model), manufactured by M/s Feaster India, 4, Jai Malhar Shed, E.E. Highway, Kurla Singal, Chembur, Mumbai-71 and which is assigned the aproval mark IND/09/09/43;

The said model is a strain gauge type load cell based Electronic Automatic Gravimetric Filling & Batch Weighing machine. It has maximum Capacity 10kg. and minimum capacity 3kg. The value of scale interval 'd' is 1g. Its maximum fills rate 15 fij/minutes. The machine is designed for filling free flowing products like cement tea, spices, sugar, rice, salt, suji, detergents, seeds, pharmaceuticals powder and agricultural products etc. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 V, 50 Hz. alternataive current power supply.

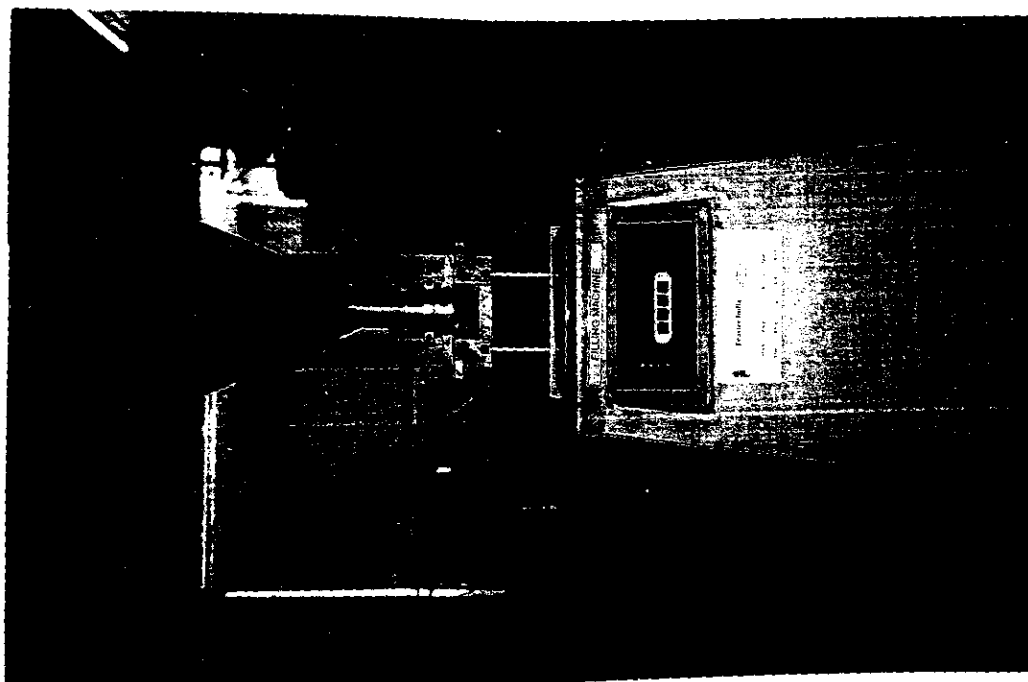


Figure-1 Model

Sealing point is affixed on the stamping plate to avoid fraudulent use. The trim pot is inside the body of the indicator and no hole is provided on the body for adjusting the post. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity up to 5000kg. manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (06)/2009]

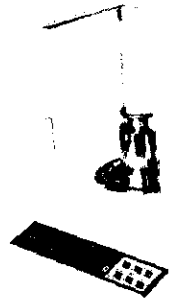
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 16 दिसम्बर, 2009

का.आ. 83.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स वेंसर वेइंग स्केल्स लिमिटेड, मारुथी कम्पलैक्स, ग्राउंड फ्लोर, नं. 1, नरिसम्हा देसारी लेन (इमाइड 60 ए, एन एस सी बोस रोड), सोवकार्पेट, चेन्नई-600 079, तमिलनाडु द्वारा विनिर्मित विशेष यथार्थता (यथार्थता वर्ग 1) वाले "एम ए बी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप टाइप) के मॉडल का, जिसके ब्रांड का नाम "वेंसर" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/557 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक इलेक्ट्रॉनिक मैग्नेटिक फोर्स कंप्रेशन सिद्धांत पर आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 220 ग्रा. है और न्यूनतम क्षमता 100 मि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 1 मि.ग्रा. है और मापमान अंतराल (डी) 0.1 मि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है। जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। वैक्यूम फ्लॉरिमेंट डिस्प्ले (वी एफ डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है। उपकरण में आंतरिक तोलन अंशांकन सुविधा है।



भार तोलन स्केल के बाईं ओर एक छेद बाहरी कवर और तल प्लेट को काटकर बनाया जाता है जिसे स्टाम्प और सील के सत्यापन के लिए लीड वायर से बाँधा जाता है। सील को तोड़े बिना तुला को खोला नहीं जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिसमें उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 50,000 या ऊपर की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. तक की क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} , 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21 (208)/2008]

आर. माथुरबुधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 16th December, 2009

S.O. 83.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of special accuracy (Accuracy class-I) of series "MAB" and with brand name "WENSAR" (hereinafter referred to as the said Model), manufactured by M/s. Wensar Weighing Scales Limited, Maruthi Complex, Ground Floor, No. 1, Narasimha Desari Lane (Inside 60 A, N.S.C. Bose Road), Sowcarpet, Chennai-600 079, Tamil Nadu and which is assigned the approval mark IND/09/08/557:

The said model is an Electro Magnetic Force Compensation Principle based non-automatic weighing instrument with a maximum capacity of 220g. and minimum capacity of 100mg. The verification scale interval (e) is 1mg. and scale interval (d) is 0.1 mg. It has a tare device with a 100 per cent subtractive retained tare effect. The Vacuum Fluorescent Diode (VFD) display indicates the weighing result. The instrument operates on 230V, 50Hz. alternative current power supply. The instrument has internal weight calibration facility.



Figure-2—Sealing diagram of sealing provision of the model.

On the left side of the weighing scale, a hole is made by cutting the outer cover and bottom plate which are fastened by a leaded wire for receiving the verification stamp and seal. The balance can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 50,000 or above for 'e' value of 1mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (208)/2008]

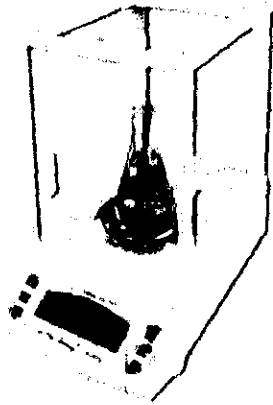
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 16 दिसम्बर, 2009

का.आ. 84.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स वेंसर वेइंग स्केल्स लिमिटेड मारुथी कम्पलैक्स, ग्राउंड फ्लोर, नं. 1, नरिसम्हा देसारी लेन (इंसाइड 60 ए, एन एस सी बोस रोड), सोवकार्पेट, चेन्नई-600079, तमिल नाडु द्वारा विनिर्मित विशेष यथार्थता (यथार्थता वर्ग I) वाले “डी ए बी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप टाइप) के मॉडल का, जिसके ब्रांड का नाम “वेंसर” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/558 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक इलेक्ट्रो मैग्नेटिक फोर्स कम्प्रेसन सिद्धांत पर आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 220 ग्रा. है और न्यूनतम क्षमता 100 मि. ग्रा. है सत्यापन मापमान अंतराल (ई) 1 मि.ग्रा. है और मापमान अंतराल (डी) 0.1 मि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। वैक्यूम फ्लोरेसेंट डिस्प्ले (वी एफ डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है। उपकरण में आंतरिक तोलन अंशांकन सुविधा है।



भार तोलन स्केल के बाई ओर एक छेद बाहरी कवर और तल प्लेट को काटकर बनाया जाता है जिसे स्टाम्प और सील के सत्यापन के लिए लीड वायर से बांधा जाता है। सील को तोड़े बिना तुला को खोला नहीं जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 50,000 या ऊपर की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. तक की क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$, $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (208)/2008]

आर. माथुरबुधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 16th December, 2009

S.O. 84.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of special accuracy (Accuracy class-I) of series “DAB” and with brand name “WENSAR” (hereinafter referred to as the said Model), manufactured by M/s. Wensar Weighing Scales Limited, Maruthi Complex, Ground Floor, No. 1, Narasimha Desari Lane (Inside 60 A, N.S.C. Bose Road), Sowcarpet, Chennai-600079, Tamil Nadu and which is assigned the approval mark IND/09/08/558;

The said model is an Electro Magnetic Force Compensation Principle based non-automatic weighing instrument with a maximum capacity of 220 g and minimum capacity of 100mg. The verification scale interval (e) is 1mg and scale interval (d) is 0.1 mg. It has a tare device with a 100 percent subtractive retained tare effect. The Vacuum Fluorescent Diode (VFD) display indicate the weighing result. The instrument operates on 230V, 50Hz alternative current power supply. The instrument has external weight calibration facility.

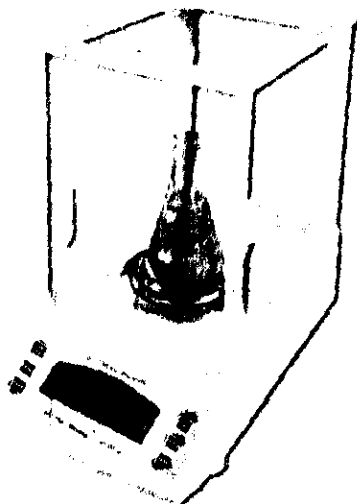


Figure-2—Schematic diagram of sealing provision of the model.

On the left side of the weighing scale, a hole is made by cutting the outer cover and bottom plate which are fastened by a leaded wire for receiving the verification stamp and seal. The balance can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 50,000 or above for ‘e’ value of 1mg or more and with ‘e’ value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (208)/2008]

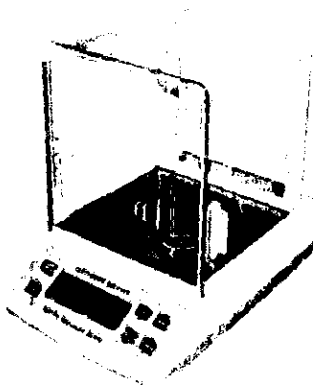
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 16 दिसम्बर, 2009

का.आ. 85.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स वेंसर वेइंग स्केल्स लिमिटेड मासुथी कम्पलैक्स, ग्राउंड फ्लोर, नं. 1, नरिसम्हां देसारी लेन (इंसाइड 60 ए. एन एस सी बोस रोड), सोवकार्पेट, चेन्नई-600079, तमिलनाडु द्वारा विनिर्मित विशेष यथार्थता (यथार्थता वर्ग-1) वाले "एच पी बी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप टाइप) के मॉडल का, जिसके ग्रांड का नाम "वेंसर" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/550 प्रयुक्त किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक इलेक्ट्रो मैग्नेटिक फोर्स कंप्रेशन सिद्धांत पर आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 220 ग्रा. है और न्यूनतम क्षमता 100 मि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 1 मि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है। जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। वैक्यूम फ्लारेन्ट डिस्पले (वी एफ डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है। उपकरण में आंतरिक तोलन अंशांकन सुविधा है।



आकृति-2 मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम

भार तोलन स्केल के बाईं ओर एक छेद बाहरी कवर और तल प्लेट को काटकर बनाया जाता है जिसे स्ट्याम्प और सील के सत्यापन के लिए लीड वायर से बाँधा जाता है। सील को तोड़े बिना तुला को खोला नहीं जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 , 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (167)/2008]

आर. माथुरबुध्म, निदेशक, विधिक माप विज्ञान

New Delhi, the 16th December, 2009

S.O. 85.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of special accuracy (Accuracy class-I) of series "HPB" and with brand name "WENSAR" (hereinafter referred to as the said Model), manufactured by M/s. Wensar Weighing Scales Limited, Maruthi Complex, Ground Floor, No.1, Narasimha Desari Lane (Inside 60 A, N.S.C. (Bose Road), Sowcarpet, Chennai-600079, Tamil Nadu and which is assigned the approval mark IND/09/08/559;

The said model is an Electro Magnetic Force Compensation Principle based non-automatic weighing instrument with a maximum capacity of 220 g. and minimum capacity of 100mg. The verification scale interval (e) is 1mg. It has a tare device with a 100 percent subtractive retained tare effect. The Vacuum Fluorescent Diode (VFD) display indicates the weighing result. The instrument operates on 230 V, 50Hz alternative current power supply. The instrument has external weight calibration facility.

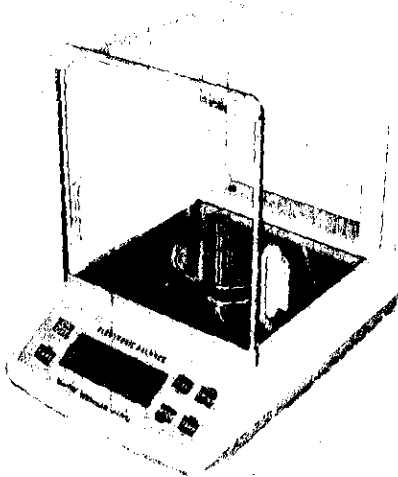


Figure-2—Schematic diagram of sealing provision of the model.

On the left side of the weighing scale, a hole is made by cutting the outer cover and bottom plate which are fastened by a leaded wire for receiving the verification stamp and seal. The balance can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 50,000 or above for 'e' value of 1mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (208)/2008]

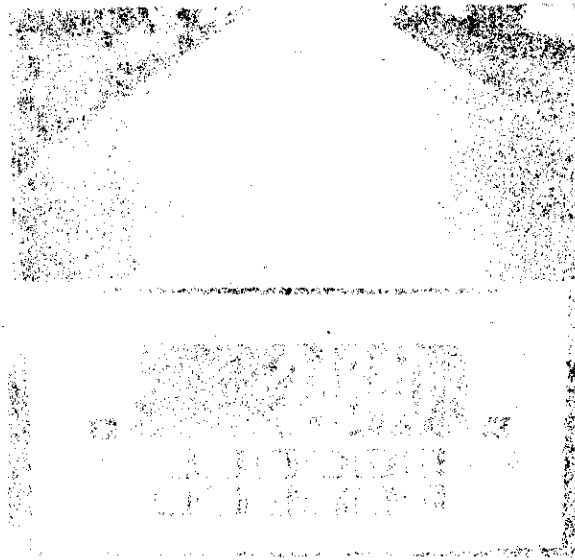
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 17 दिसम्बर, 2009

का.आ. 86.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए, मैसर्स स्लिन्टेक, 11/567, कुन्दलयूर, तिरुचर-680 616 (केरल) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “डी 410” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (वेब्रिज मल्टी लोड सैल टाइप) के मॉडल का, जिसके ब्रांड का नाम “स्लिन्टेक” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/28 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (वेब्रिज मल्टी लोड सैल टाइप) है। इसकी अधिकतम क्षमता 80,000 कि.ग्रा. है और न्यूनतम क्षमता 400 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 20 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है। जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल सी डी) प्रदर्श तोल परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्प और सीलिंग के सत्यापन के लिए इंडीकेटर के पिछली तरफ अपर कवर और बाटम प्लेट काट कर छेद किए गए हैं और इन छेदों को लीड वायर से कसा गया है। उपकरण को सील से छेड़छाड़ किए बिना नहीं खोला जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है। उपकरण में केलिब्रेशन के लिए बाहरी पहुंच नहीं है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से 150 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ और $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (16)/2009]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th December, 2009

S.O. 86.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Weighbridge-Multi Load Cell Type) with digital indication of medium accuracy (Accuracy class-III) of series "D410" and with brand name "SLINTEC" (hereinafter referred to as the said Model), manufactured by M/s. Slintec, 11/567, Kundalyoor, Trichur-680 616 (Kerala) and which is assigned the approval mark IND/09/09/28;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge-Multi Load Cell Type) with a maximum capacity of 80,000kg and minimum capacity of 400kg. The verification scale interval (e) is 20kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Liquid Crystal Diode (LCD) Display indicates the weighing results. The instrument operates on 230V, 50Hz alternataive current power supply.

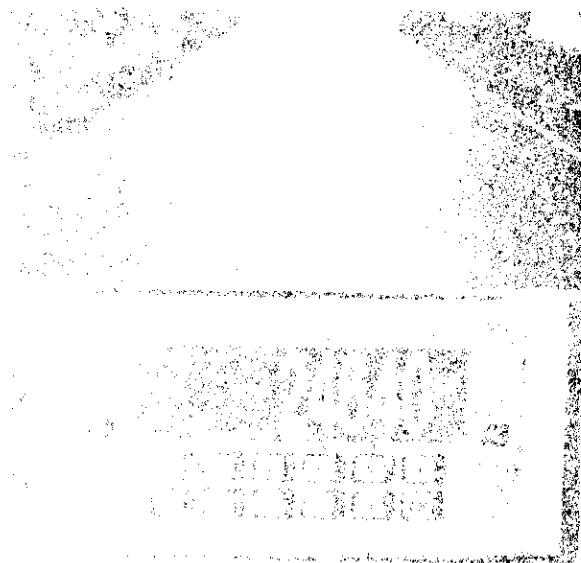


Figure-3 – Sealing provision of the indicator of the model.

From the rear side of the indicator a holes are made by cutting the upper cover and bottom plate and fastened by a leaded wire for receiving the verification stamp and seal. The indicator can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above. There is no external colibration facility.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 150 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 500g or more and with 'e' value of $1 \cdot 10^k$, $2 \cdot 10^k$ or $5 \cdot 10^k$, where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (16) 2009]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 17 दिसम्बर, 2009

का.आ. 87.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स श्रीनाथ एंटरप्राइज, शाप नं. 1, चित्रकुट सोसायटी, नजदीक पुनीत नगर सोसायटी, कडीला रेलवे क्रासिंग के पास, घुडसार, अहमदाबाद-380 050 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले "एसईटी-30 के ए" शृंखला के अंकक मूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप टाइप) के मॉडल का, जिसके ब्रांड का नाम "नेनोटेक डीजी स्केल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन विह्व आई एन डी/09/08/516 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है। जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



मशीन के शीर्ष और तल प्लेट में छेदों के जरिए सील तार डालकर मशीन पर स्थानान्तरण प्लेट लगा कर लीड सील लगाई है। सील तोड़ें बिना उपकरण को खोला नहीं जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनावद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मॉक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि. ग्रा. तक के "ई" मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 , 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21 (194)/2008]

आर. माधुसूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th December, 2009

S.O. 87.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of high accuracy (Accuracy class-II) of series "SIT- 30 KA" and with brand name "NENOTECH DIGI SCALE" (hereinafter referred to as the said Model), manufactured by M/s. Shrinath Enterprise, Shop No. 1, Chitrakut Society, Nr. Punit Nagar Society, Nr. Cadila Railway Crossing, Ghodasar, Ahmedabad-380 050, Gujarat and which is assigned the approval mark IND/09/08/516;

The said model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 30kg and minimum capacity 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 V, 50Hz alternataive current power supply.

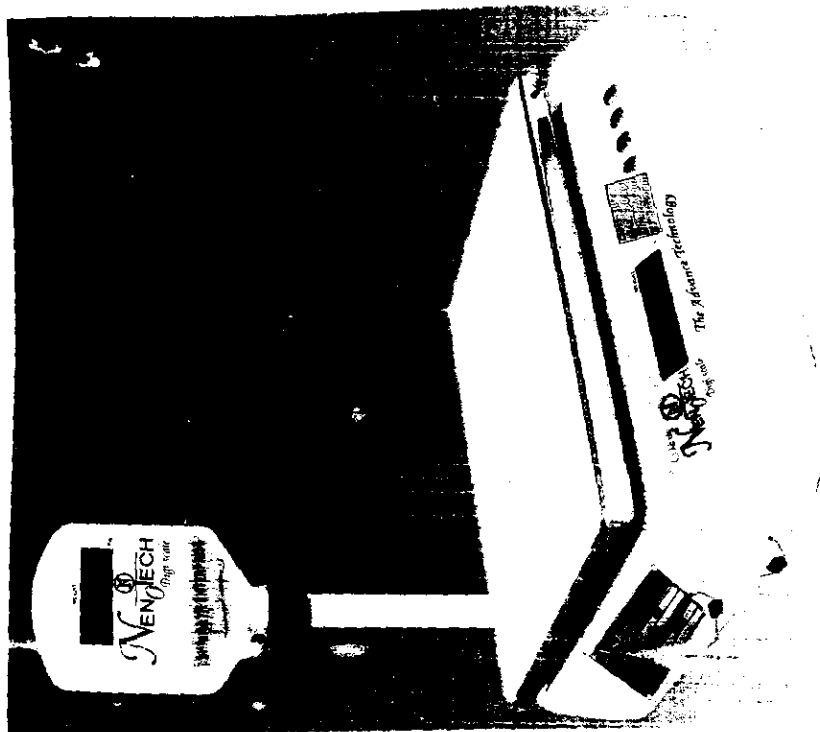


Figure-2—Schematic diagram of the model.

Seal wire passes through the holes in the top and bottom plate and stamping plate is affixed on the machine then a lead seal is applied. The instrument can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1 mg to 50mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (194)2008]

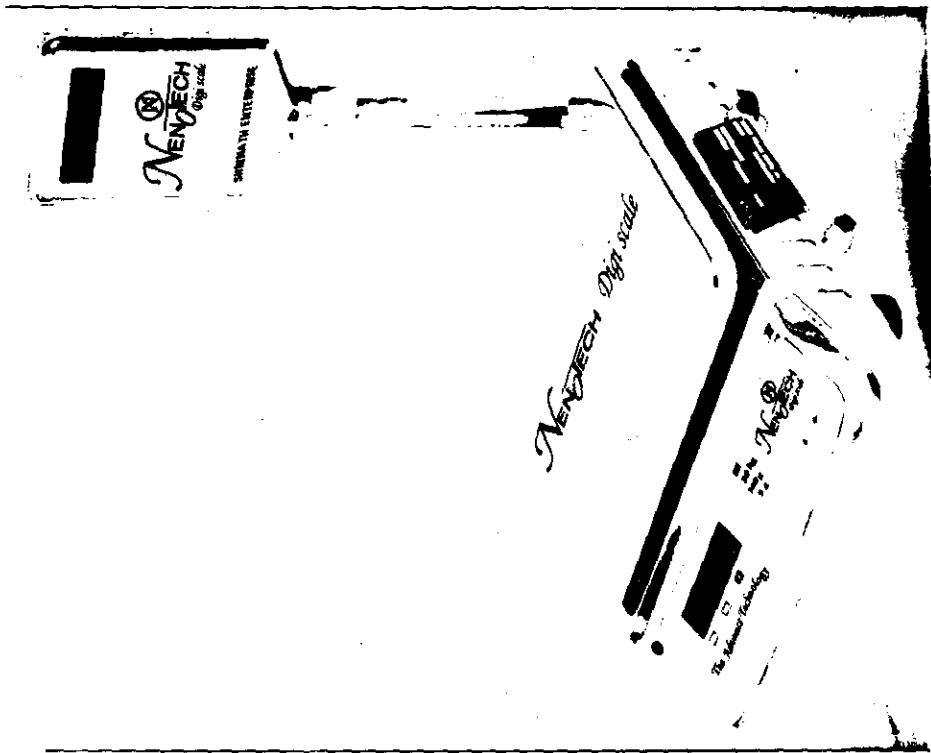
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 17 दिसम्बर, 2009

का.आ. 88.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स श्रीनाथ एंटरप्राइज, शाप नं. 1, चित्रकुट सोसायटी, नजदीक पुनीत नगर सोसायटी, कडीला रेलवे क्रासिंग के पास, घुड़सार, अहमदाबाद-380050 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एसईटी-30 के" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टाप टाइप) के मॉडल का, जिसके ब्रांड का नाम "नेनोटेक डीजी स्केल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/517 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है। जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



मशीन के शीर्ष और तल प्लेट में छेदों के जरिए सील तार डालकर मशीन पर स्टाम्पिंग प्लेट लगा कर लीड सील लगाई। सील तोड़ें बिना उपकरण को खोला नहीं जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} , 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21 (194)/2008]

आर. माथुरबुधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th December, 2009

S.O. 88.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of "SET- 30 K" series of medium accuracy (accuracy class-III) and with brand name "NENOTECH DIGI SCALE" (hereinafter referred to as the said Model), manufactured by M/s. Shrinath Enterprise, Shop No. 1, Chitrakut Society, Nr. Punit Nagar Society, Nr. Cadila Railway Crossing, Ghodasar, Ahmedabad-380050, Gujarat and which is assigned the approval mark IND/09/08/517;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type) with a maximum capacity of 30kg. and minimum capacity 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50Hz alternataive current power supply.

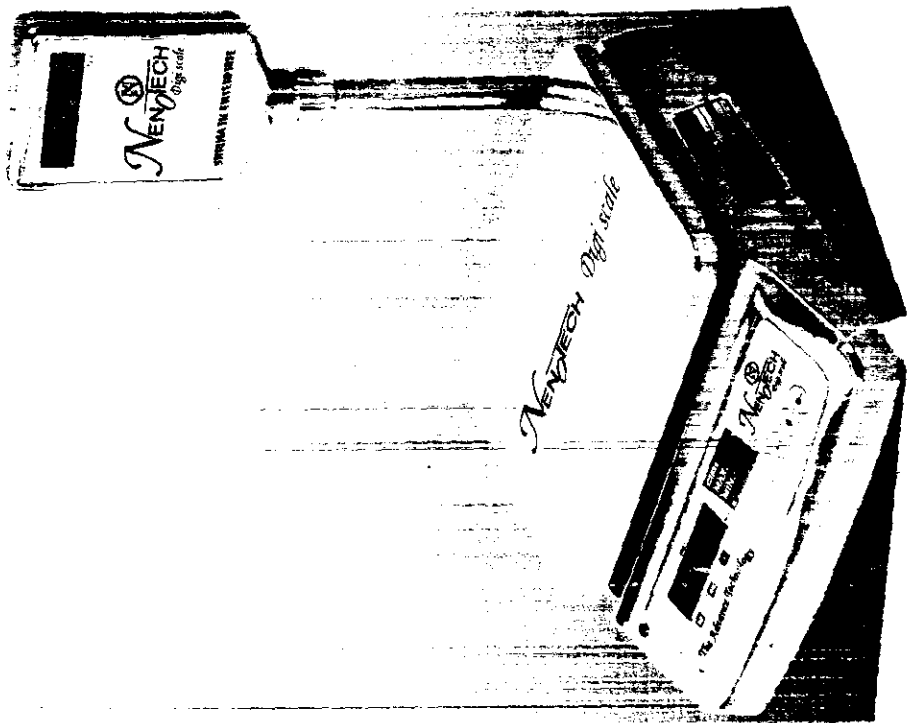


Figure-2—Sealing diagram of the model.

Seal wire passes through the holes in the top and bottom plate and stamping plate is affixed on the machine then a lead seal is applied. The instrument can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2 g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (194)-2008]

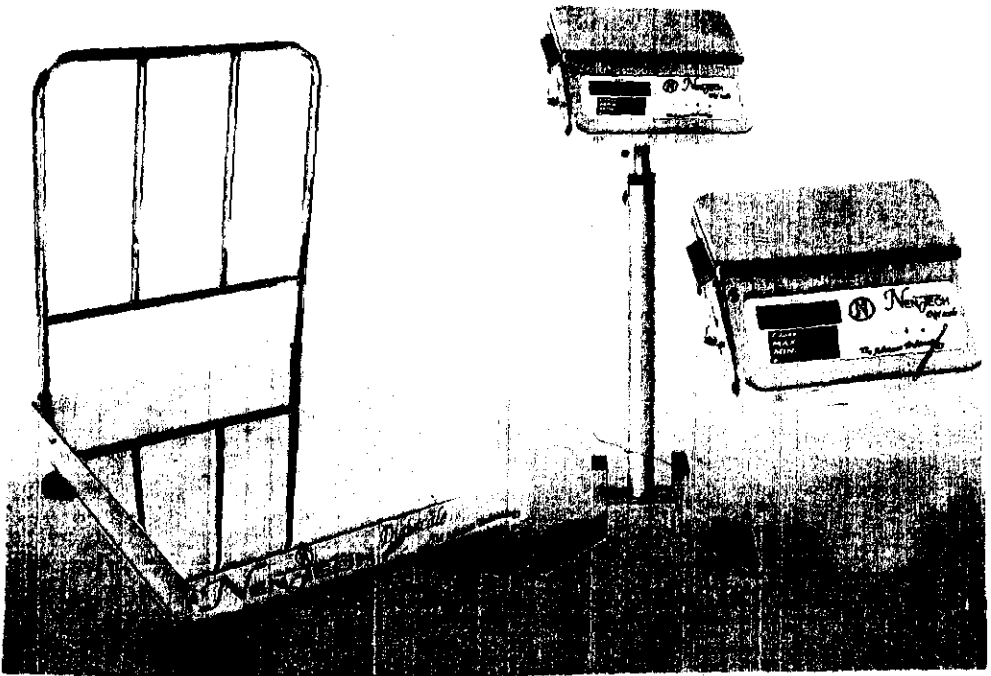
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 17 दिसम्बर, 2009

का.आ. 89.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स श्रीनाथ एंटरप्राइज, शाप नं. 1, चित्रकुट सोसायटी, नजदीक पुनीत नगर सोसायटी, कडीला रेलवे क्रासिंग के पास, घुड़सार, अहमदाबाद-380050 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एसईपी-300 के" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "नेनोटैक डीजी स्केल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/518 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 300 कि. ग्रा. है और न्यूनतम क्षमता 1 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम

मशीन के शीर्ष और तल प्लेट में छेदों के जरिए सील तार डालकर मशीन पर स्टाम्पिंग प्लेट लगा कर लीड सील लगाई। सील तोड़ें बिना उपकरण को खोला नहीं जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$, $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यूएम 21 (194)/2008]

आर. माथुरबुध्म, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th December, 2009

S.O. 89.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of self indicating, non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (Accuracy class-III) of series "SEP-300K" and with brand name "NENOTECH DIGI SCALE" (hereinafter referred to as the said model), manufactured by M/s. Shrinath Enterprise, shop No. 1, Chitrakut Society, Nr. Punit Nagar Society, Nr. Cadila Railway Crossing, Ghodasar, Ahmedabad-380050, Gujarat and which is assigned the approval mark IND/09/08/518.

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 300kg. and minimum capacity of 1kg. The verification scale interval (e) is 50g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1 Model

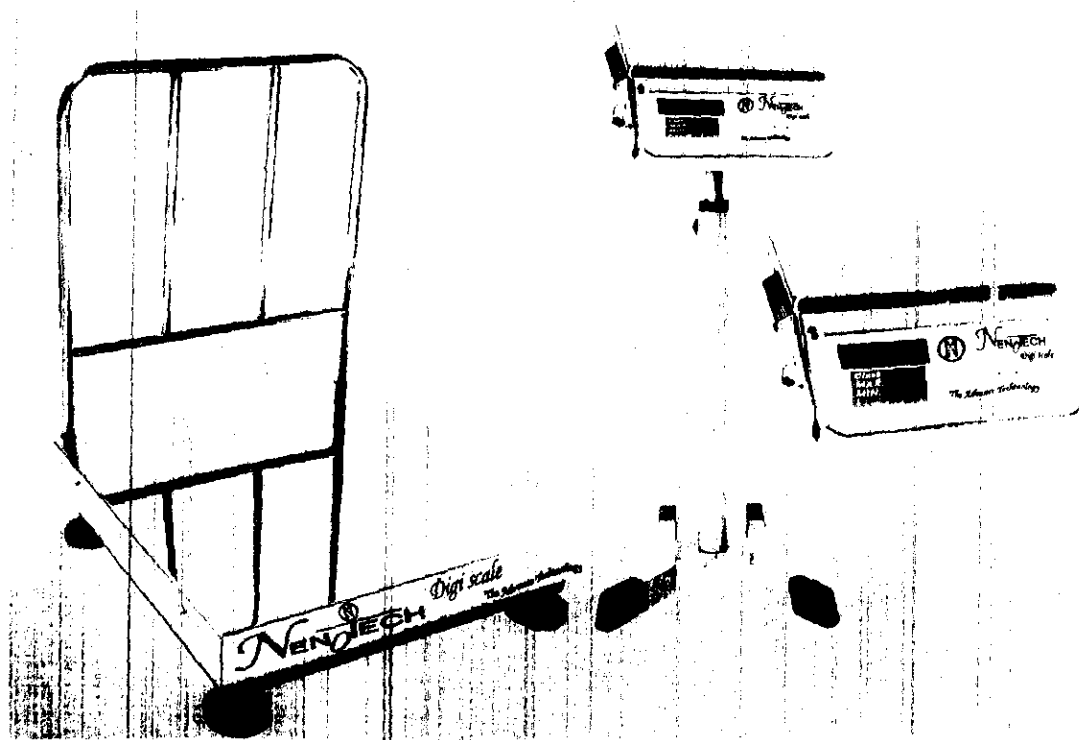


Figure-2 Sealing provision of the indicator of Model

Seal wire passed through the holes in the top and bottom plate and stamping plate is affixed on the indicator of the machine then a lead seal is applied. The indicator can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg. and upto 5000kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (194)/2008]

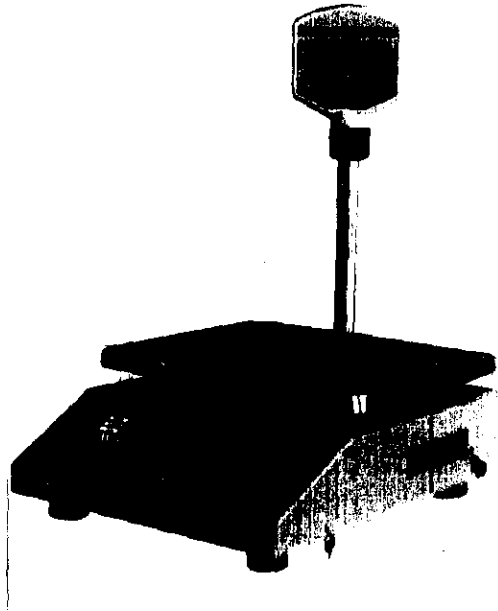
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 30 दिसम्बर, 2009

का.आ. 90.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स सूमो जय इलेक्ट्रॉनिक्स प्रा. लि., शाप नं. 5, श्रुथी अपार्टमेंट, नियर वैभव हाल, श्याद्री बंगलों के पीछे, एन.एच नं. 8 पर, घोड़सार, अहमदाबाद, गुजरात द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "एसयूजे-12" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टाइप) के मॉडल का, जिसके ब्रांड का नाम "सूमो जय" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/108 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज़ प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



AI349

मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम

इंडिकेटर की तल प्लेट और उसके सामने छेद करके, इन छेदों में से तार निकाल कर तार पर लीड सील से सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के "ई" मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-3} , 2×10^{-3} , 5×10^{-3} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू.एम 21 (18)/2008]

आर. माथुरबूम, निदेशक, विधिक माप विज्ञान

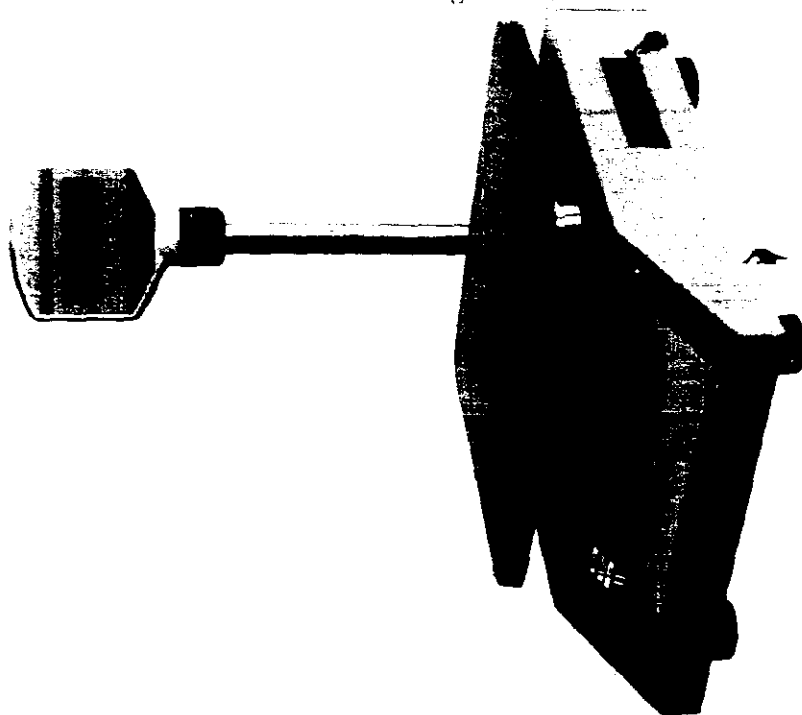
New Delhi, the 30th December, 2009

S.O. 90.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of high accuracy (Accuracy class-II) of series "SUJ-12" and with brand name "SUMO-JAY" (hereinafter referred to as the said model), manufactured by M/s. Sumo Jay Electronics Pvt. Ltd., Shop No. 5, Shrushti Apartment, Nr. Vaibhav Hall, B/h Sahyadri Bunglow, On N.H. No. 8, Ghodasar, Ahmedabad, Gujarat and which is assigned the approval mark IND/09/08/108.

The said model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1 Model



A1349

Figure-2 Schematic diagram of the Model

Sealing is done through the holes made in the bottom plate and front of the scale, then a wire is passed through these holes and the lead seal is fixed on the wire. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50mg. and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (18)/2008]

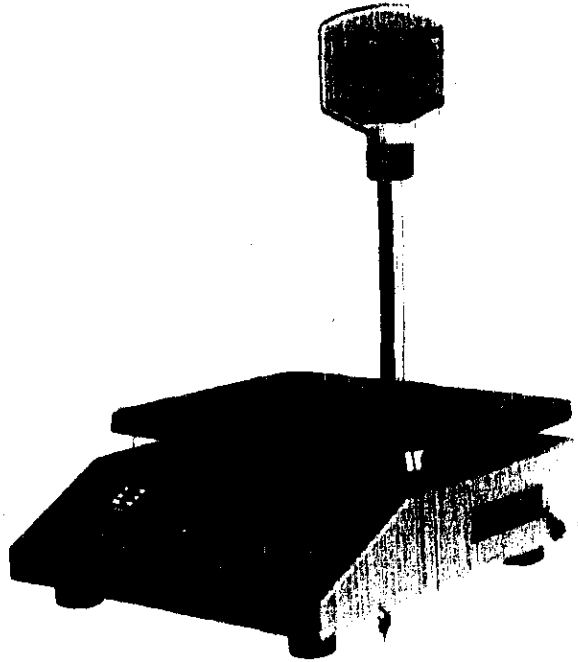
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 30 दिसम्बर, 2009

का.आ. 91.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स सूमो जय इलेक्ट्रॉनिक्स प्रा. लि., शाप नं. 5, श्रुथी अपार्टमेंट, नियर वैभव हाल, श्याद्री बंगलों के पीछे, एन.एच नं. 8 पर, घोड़सार, अहमदाबाद, गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "एसयूटी-11" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टाइप) के मॉडल का, जिसके ब्रांड का नाम "सूमो जय" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/109 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित तोलन उपकरण (टेबल टाइप) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम

इंडिकेटर का तल प्लेट और उसके सामने छेद करके, इन छेदों में से तार निकाल कर तार पर लीड सील से सीलिंग की जाती है। मॉडल को सीलबंद करने का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 मि.ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 , 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यूएम 21 (18)/2008]

आर. माथुरबूम, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th December, 2009

S.O. 91.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of self indicating, non-automatic weighing instrument (Table top type) with digital indication of series "SUT-11" series of medium accuracy (Accuracy class-III) and with brand name "SUMO-JAY" (hereinafter referred to as the said model), manufactured by M/s. Sumo Jay Electronics Pvt. Ltd., Shop No. 5, Shrushti Apartment, Nr. Vaibhav Hall, B/h Sahyadri Bunglow, on N.H. No. 8, Ghodasar, Ahmedabad, Gujarat and which is assigned the approval mark IND/09/08/109.

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1 Model

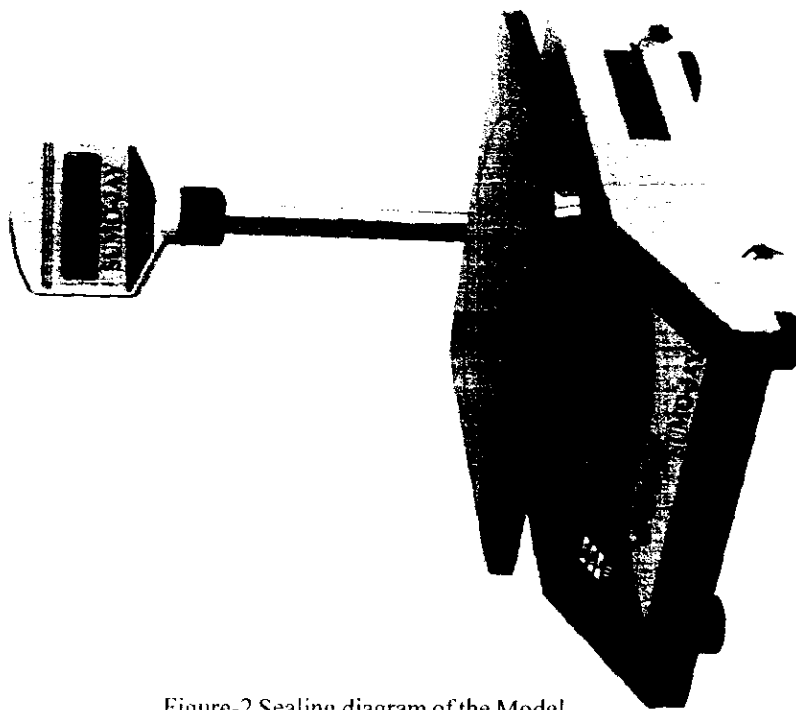


Figure-2 Sealing diagram of the Model

Sealing is done through the holes made in the bottom plate and front of the scale, then a wire is passed through these holes and the lead seal is fixed on the wire. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (18)/2008]

R. MATHURBOOTHAM, Director of Legal Metrology

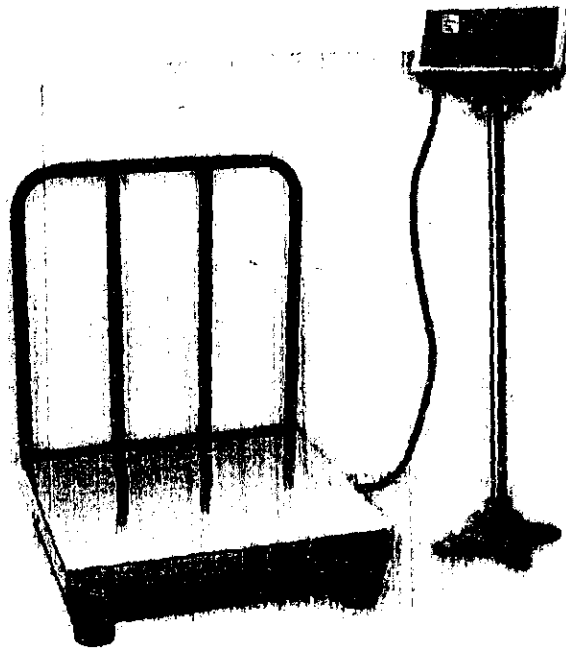
A1348

नई दिल्ली, 30 दिसम्बर, 2009

का.आ. 92.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स सूमो जय इलेक्ट्रोनिक्स प्रा. लि., शोप नं. 5, श्रुस्थी अपार्टमेंट, नियर वैभव हाल, श्याद्री बंगलों के पीछे, एन.एच. नं. 8 पर, घोड़सार, अहमदाबाद, गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एसयूपी-7" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम "सूमो जय" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/110 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. है और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 ग्रा. है। इसमें एक आभेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आभेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 चोल्ट और 50 हर्ट्ज प्रत्यावर्ती विद्युत धारा प्रदाय पर कार्य करता है।



मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम

इंडीकेटर की तल प्लेट और उसके सामने छेद करके, इन छेदों में से तार निकाल कर तार पर लीड सील से सिलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. से और 5000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-3} , 2×10^{-3} और 5×10^{-3} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यूएम-2) (18)/2008]

आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th December, 2009

S.O. 92.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (Accuracy class III) series of "SUP 7" and with brand name "SUMO-JAY" (hereinafter referred to as the said model), manufactured by M. S. Sumo Jay Electronics Pvt. Ltd., Shop No. 5, Shrushti Apartment, Nr. Vaibhav Hall, B/h Sahyadri Bunglow, On N.H. No. 8, Chodasari, Ahmedabad, Gujarat and which is assigned the approval mark IND/09/08/110.

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000kg. and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

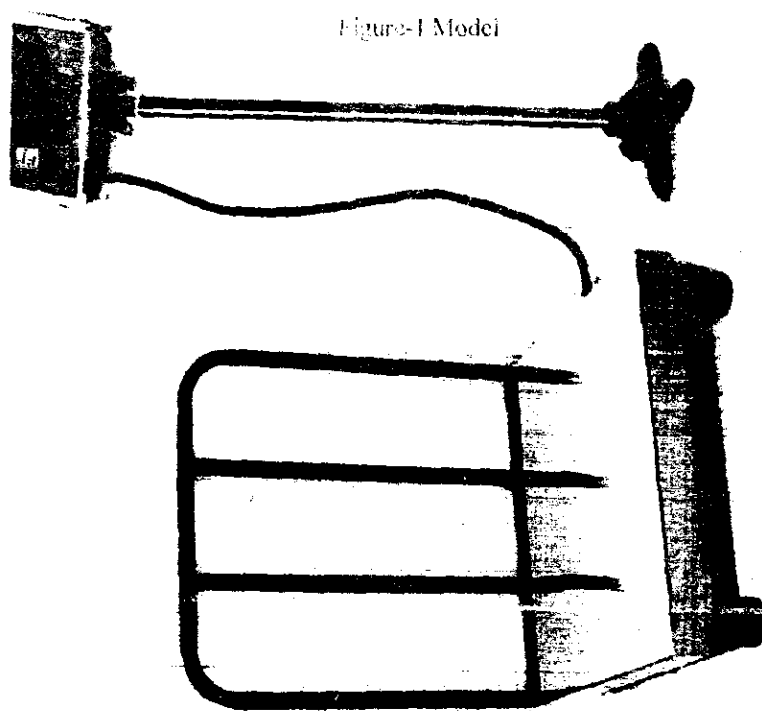


Figure-1 Model

Figure-2 Sealing provision of the indicator of Model

Sealing is done through the hole made in the bottom plate and front of the indicator, then a wire is passed through these holes and the lead seal is fixed on the wire. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg. and up to 5000kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (18) 2008]

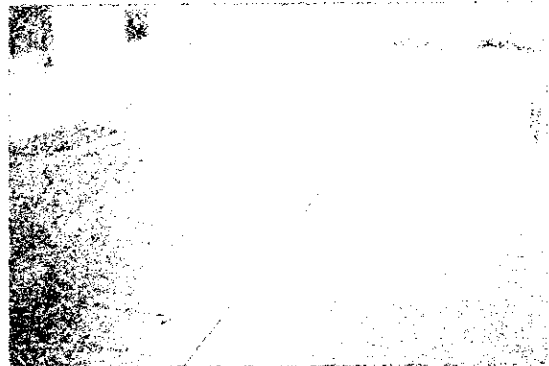
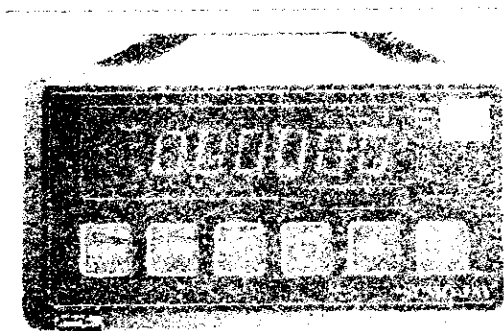
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 30 दिसम्बर, 2009

का.आ. 93.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उम्मे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) वाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा वाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केंद्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए, मैसर्स सूमो जय इलेक्ट्रॉनिक्स प्रा. लि., शाप नं. 5, श्रुथी अफार्टमेंट, नियर वैभव हाल, श्याद्री बंगलों के पीछे, एन.एच. नं. 8 पर, घाड़सार, अहमदाबाद, गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “एसयूडब्ल्यू-4” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (वेब्रिज टाइप) के मॉडल का, जिसके ब्रांड का नाम “सूमो जय” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/111 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित तोलन उपकरण (वेब्रिज टाइप) है। इसकी अधिकतम क्षमता 30 टन है और न्यूनतम क्षमता 100 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम

इंडिकेटर की तल प्लेट और उसके सामने छेद करके, इन छेदों में से तार निकाल कर तार पर लीड सील से सीलिंग की जाती है। मॉडल को सीलबंद करने का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 टन से ऊपर और 100 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$, $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यूएम 21 (18)/2008]

आर. माथुरबुधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th December, 2009

S.O. 93.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Meters) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Weighbridge type) with digital indication of medium accuracy (Accuracy class-III) series of "SUW-4" and with brand name "SUMO-JAY" (hereinafter referred to as the said Model), manufactured by M/s. Sumo Jay Electronics Pvt. Ltd., Shop No. 5, Shrushti Apartment, Nr. Vaibhav Hall, B/h Sahyadri Bunglow, on N.H. No. 8, Ghodasar, Ahmedabad, Gujarat and which is assigned the approval mark IND/09/08/111.

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge type) with a maximum capacity of 30 tonne and minimum capacity of 100 kg. The verification scale interval (e) is 5 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1 Model

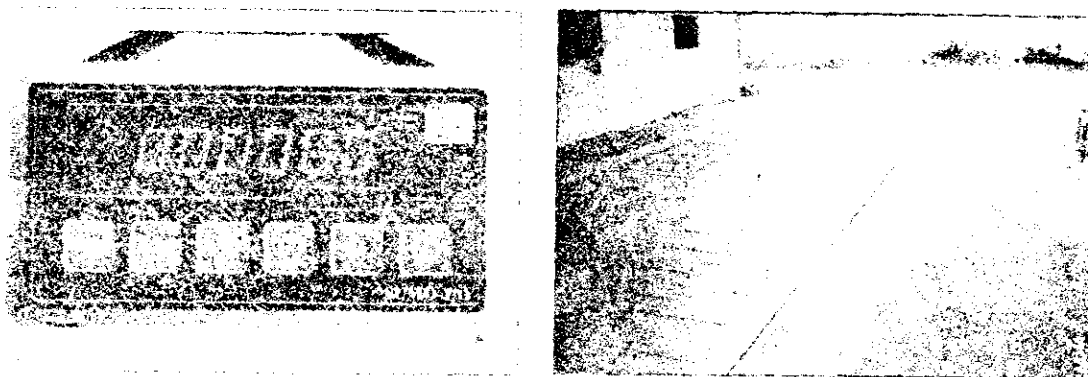


Figure-2 Sealing arrangement

Sealing is done through the holes made in the bottom plate and front of the indicator, then a wire is passed through these holes and the lead seal is fixed on the wire. A typical schematic diagram of sealing provision of the Model is given above.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and upto 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21 (18)/2008]

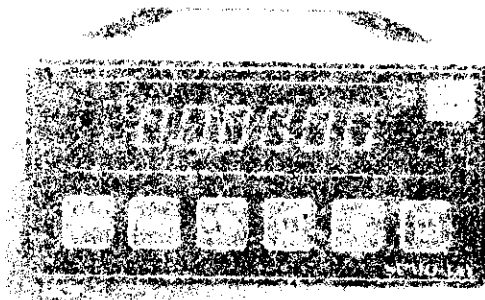
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 30 दिसम्बर, 2009

का.आ. 94.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केंद्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स सूमो जय इलेक्ट्रॉनिक्स प्रा. लि., शाप नं. 5, श्रुस्ती अपार्टमेंट, नियर वैभव हाल, श्याद्री बंगलों के पीछे, एन.एच नं. 8 पर, घोड़सार, अहमदाबाद, गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "एसयूसी-4" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (वेब्रिज कन्वर्सन किट टाइप) के मॉडल का, जिसके ब्रांड का नाम "सूमो जय" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/112 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित तोलन उपकरण (वेब्रिज कन्वर्सन किट टाइप) है। इसकी अधिकतम क्षमता 30 टन है और न्यूनतम क्षमता 100 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा प्रदाय पर कार्य करता है।



मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम

इंडिकेटर की तल प्लेट और उसके सामने छेद करके, इन छेदों में से तार निकाल कर तार पर लीड सील से मिलिंग की जाती है। माडल को सीलबंद करने का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से ऊपर और 100 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 , 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू.एम 21 (18)/2008]

आर. माधुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th December, 2009

S.O. 94.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Weighbridge conversion kit type) with digital indication of medium accuracy (Accuracy class-III) of series "SUC-4" and with brand name "SUMO-JAY" (hereinafter referred to as the said model), manufactured by M/s. Sumo Jay Electronics Pvt. Ltd., Shop No. 5, Shrushti Apartment, Nr. Vaibhav Hall, B/h Sahyadri Bunglow, On N.H. No. 8, Ghodasar, Ahmedabad, Gujarat and which is assigned the approval mark IND/09/08/112.

The said model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge conversion kit type) with a maximum capacity of 30 tonne and minimum capacity of 100 kg. The verification scale interval (e) is 5 kg. It has a tare device with 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1 Model

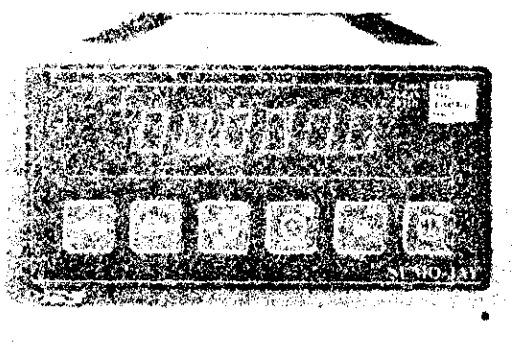


Fig.-2 Sealing arrangement

Sealing is done through the holes made in the bottom plate and front of the indicator then a wire is passed through these holes and the lead seal is fixed on the wire. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5tonne and up to 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (18)/2008]

R. MATHURBOOTHAM, Director of Legal Metrology

भारतीय मानक ब्यूरो

नई दिल्ली, 31 दिसम्बर, 2009

का.आ. 95.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक(कों) में संशोधन किया गया है :

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 15265 : 2003	1, नवम्बर 2009	30 नवम्बर, 2009

इस संशोधन की प्रति भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ: सीईडी/राजपत्र]

ए. के. सैनी, वैज्ञानिक 'एफ' एवं प्रमुख (सिविल इंजीनियरी)

BUREAU OF INDIAN STANDARDS

New Delhi, the 31st December, 2009

S.O. 95.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standard, hereby notifies that amendment to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and Year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 15265 : 2003	1, November 2009	30 November, 2009

Copy of this amendment is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: CED/Gazette]

A. K. SAINI, Sec 'F' & Head (Civil Engg.)

नई दिल्ली, 5 जनवरी, 2010

का.आ. 96.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक(कों) में संशोधन किया गया/किए गए हैं :—

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आईएस 7285 (भाग 2): 2004 फिर से भरे जा सकने वाले जोड़ा रहित इस्पात के गैस सिलिंडर विशिष्ट, भाग 2 1100 एमपीए (112 केजीएफ/वर्गएमएम) से कम की न्यूनता सामर्थ्य वाले इस्पात के क्वेंच और टैम्पर सिलिंडर (तीसरा पुनरीक्षण)	संशोधन सं. 2, नवम्बर, 2009	15 दिसम्बर, 2009

(1)	(2)	(3)	(4)
2.	आईएस 13258 : 1991 अल्प दाब द्रवणीय गैसों के लिए 5 लीटर से अधिक जल क्षमता वाले वेल्डित अल्प कार्बन इस्पात के सिलिंडर—उपयोग किए गए एल पी जी सिलिंडरों के पुनर्नवीयन और निरीक्षण की रीति संहिता	संशोधन सं. 1, नवम्बर, 2009	01 दिसम्बर, 2009
3.	आईएस 15100 : 2001 मोटर वाहनों में प्रयुक्त स्थाई रूप से बने द्रवित पेट्रोलियम गैस आधानों के लिए बहुप्रकारात्मिक वाल्व असेम्बली	संशोधन सं. 4, नवम्बर, 2009	01 दिसम्बर, 2009

इस संशोधन की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002 क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एम.ई.डी.जी. 2:1]

सी. के. वेदा, वैज्ञानिक एफ एवं प्रमुख (यांत्रिक इंजीनियरिंग)

New Delhi, the 5th January, 2010

S.O. 96.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and Year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 7285 (Part 2) : 2004 Refillable seamless steel gas cylinders - Specification, Part 2, Quenched and tempered steel cylinders with tensile strength less than 100MPa (112kgf/mm ²)	Amendment No. 2 November, 2009	15 December, 2009
2.	IS 13258 : 1991 Welded low carbon steel cylinders exceeding 5 litre water capacity for low pressure liquefiable gases—Code of practice for inspection and reconditioning of used cylinders	Amendment No. 1 November, 2009	1 December, 2009
3.	IS 15100 : 2001 Multifunction valve assembly for permanently fixed Liquefiable Petroleum Gas (LPG) containers for automotive use	Amendment No. 4 November, 2009	1 December, 2009

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: MED/G-2:1]

C. K. VEDA, Scientist F & Head (Mechanical Engineering)

कोयला मंत्रालय

नई दिल्ली, 4 जनवरी, 2010

का. आ. 97.—केन्द्रीय सरकार को प्रतीत होता है कि इससे उपाबद्ध अनुसूची में उल्लिखित भूमि में कोयला अभिप्राय किये जाने की संभावना है;

अतः, अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास), अधिनियम, 1957 (1957 का 20), (जिसे इसमें इसको पश्चात उक्त अधिनियम कहा गया है), की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में कोयले का पूर्वोक्त करने के अपने आशय की सूचना देती है ;

इस अधिसूचना के अंतर्गत आने वाले प्लान सं. सीजीएम/जेएनआर/भूमि/सीबीए/09/17 तारीख 18 जून, 2009 का निरीक्षण कलेक्टर, बर्दवान (पश्चिमी बंगाल) के कार्यालय में या मुख्य महाप्रबंधक (खोज प्रभाग) कार्यालय, सेंट्रल माइन प्लानिंग एण्ड डिजाइन इंस्टीच्यूट, गोंडवाना प्लेस, कांके रोड, रांची में या कोयला नियंत्रक, 1, कार्डसिल हाऊस स्ट्रीट, कोलकाता-700001 के कार्यालय में या निदेशक तकनीकी (योजना एवं परियोजना), ईस्टर्न कोलफील्ड्स लिमिटेड, सांकतोडिया, पोस्ट: डिसरगढ़, जिला बर्दवान (पश्चिमी बंगाल) पिन कोड-713333 के कार्यालय में किया जा सकता है।

इस अधिसूचना के अंतर्गत आने वाली भूमि में हितबद्ध सभी व्यक्ति उक्त अधिनियम के धारा 13 की उपधारा 7 में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से 90 दिन के भीतर निदेशक तकनीकी (योजना एवं परियोजना), ईस्टर्न कोलफील्ड्स लिमिटेड, सांकतोडिया, पोस्ट: डिसरगढ़, जिला बर्दवान (पश्चिमी बंगाल) पिन कोड 713333 को भेजेंगे।

अनुसूची

ब्लॉक - झांझरा - कालीपुर भौगोलिक ब्लॉक, जिला बर्दवान (पश्चिमी बंगाल)

(रेखाचित्र/प्लान संख्या :- सीजीएम/जेएनआर/भूमि/सीबीए/09/17 तारीख 18 जून, 2009)

(क) सभी अधिकार

क्रम सं.	मौजा गांव	जे. एल. सं.	पुलिस स्टेशन थाना	जिला	हेक्टर में क्षेत्र	टिप्पणी
1.	सिरसा	17	फरीदपुर	बर्दवान	48.00	भाग
2.	बालीजुरी	16	फरीदपुर	बर्दवान	69.00	भाग
3.	मधाईगंज	24	फरीदपुर	बर्दवान	39.80	भाग
4.	बेनाबंदी	11	फरीदपुर	बर्दवान	29.60	भाग
5.	श्रीकृष्णपुर	9	फरीदपुर	बर्दवान	23.80	भाग

कुल :- 210.20 (लगभग)

(ख) खनन अधिकार

1.	बालीजुरी	16	फरीदपुर	बर्दवान	19.00	भाग
----	----------	----	---------	---------	-------	-----

कुल :- 19.00 (लगभग)

कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम 1957 की धारा 4 (1) के अधीन अधिसूचित होने वाले स्थल/क्षेत्र का सीमा विवरण

सीमा विवरण :-

- 1 2 3 4 रेखा, मौजा सिरसा, जे एल नं. 17 के बिंदु 1 से प्रारंभ होती है और मौजा सिरसा, जे एल नं. 17 के बिंदु 2, 3 से गुजरती है तथा मौजा सिरसा, जे एल नं. 17 एवं मौजा बालीजुरी जे एल नं. 16 के सम्मिलित बिंदु 4 पर मिलती है।
- 4 5 रेखा, मौजा सिरसा, जे एल नं. 17 एवं मौजा बालीजुरी जे एल नं. 16 के सम्मिलित बिंदु 4 से प्रारंभ होती है एवं मौजा बालीजुरी जे एल नं. 16 से गुजरती है तथा मौजा बालीजुरी जे एल नं. 16 मौजा एवं मौजा बेनाबंदी जे एल नं. 11 के सम्मिलित बिंदु 5 पर मिलती है।
- 5 5 क रेखा, मौजा बालीजुरी, जे एल नं. 16 मौजा एवं मौजा बेनाबंदी जे एल नं. 11 के सम्मिलित बिंदु 5 से प्रारंभ होती है और मौजा बालीजुरी जे एल नं. 16 से गुजरती है तथा मौजा बालीजुरी जे एल नं. 16 मौजा एवं मौजा बेनाबंदी जे एल नं. 11 के सम्मिलित बिंदु 5क पर मिलती है।
- 5 क 6 रेखा, मौजा बालीजुरी, जे एल नं. 16 मौजा एवं मौजा बेनाबंदी जे एल नं. 11 के सम्मिलित बिंदु 5क से प्रारंभ होती है और उसी सम्मिलित सीमा रेखा से गुजरती है तथा मौजा बालीजुरी जे एल नं. 16 एवं मौजा बेनाबंदी जे एल नं. 11 के सम्मिलित बिंदु 6 पर मिलती है।
- 6 7 रेखा, मौजा बालीजुरी, जे एल नं. 16 एवं मौजा बेनाबंदी जे एल नं. 11 के सम्मिलित बिंदु 6 से प्रारंभ होती है और मौजा बेनाबंदी जे एल नं. 11 से गुजरती है तथा मौजा बेनाबंदी जे एल नं. 11 से गुजरती है तथा मौजा बेनाबंदी जे एल नं. 11 के बिंदु 7 पर मिलती है।
- 7 8 रेखा, मौजा बेनाबंदी, जे एल नं. 11 के बिंदु 7 से प्रारंभ होती है और मौजा बेनाबंदी जे एल नं. 11 से गुजरती है तथा मौजा बेनाबंदी जे एल नं. 11 एवं मौजा श्रीकृष्णपुर जे एल नं. 9 के सम्मिलित बिंदु 8 पर मिलती है।
- 8 9 रेखा, मौजा बेनाबंदी, जे एल नं. 11 एवं मौजा श्रीकृष्णपुर जे एल नं. 9 के संयुक्त बिंदु 8 से प्रारंभ होती है तथा मौजा श्रीकृष्णपुर जे एल नं. 9 से गुजरती है तथा मौजा श्रीकृष्णपुर जे एल नं. 9 के बिंदु 9 पर मिलती है।

- 9-10 रेखा, मौजा श्रीकृष्णपुर, जे एल नं. 9 के बिंदु 9 से प्रारंभ होती है और मौजा श्रीकृष्णपुर जे एल नं. 9 से गुजरती है तथा मौजा श्रीकृष्णपुर जे एल नं. 9 एवं मौजा मधाईगंज जे एल नं. 24 के सम्मिलित बिंदु 10 पर मिलती है ।
- 10-11 रेखा, मौजा श्रीकृष्णपुर, जे एल नं. 9 एवं मौजा मधाईगंज जे एल नं. 24 के सम्मिलित बिंदु 10 से प्रारंभ होती है और मौजा मधाईगंज जे एल नं. 24 के बिंदु 11 पर मिलती है ।
- 11-12-13-14- रेखा, मौजा मधाईगंज जे एल नं. 24 के बिंदु 11 से प्रारंभ होती है और मौजा मधाईगंज जे एल नं. 24 के बिंदु 12, 13, 14, 15-16-17 15, 16 से गुजरती है तथा मौजा मधाईगंज जे एल नं. 24 एवं मौजा बेनाबंदी जे एल नं. 11 के सम्मिलित बिंदु 17 पर मिलती है ।
- 17-18 रेखा, मौजा मधाईगंज जे एल नं. 24 एवं मौजा बेनाबंदी जे एल नं. 11 के संयुक्त बिंदु 17 से प्रारंभ होती है और मौजा बेनाबंदी जे एल नं. 11 से गुजरती है तथा मौजा बेनाबंदी जे एल नं. 11 एवं मौजा बालीजुरी जे एल नं. 16 के सम्मिलित बिंदु 18 पर मिलती है ।
- 18-19-20- रेखा, मौजा बेनाबंदी जे एल नं. 11 एवं मौजा बालीजुरी जे एल नं. 16 के सम्मिलित बिंदु 18 से प्रारंभ होती है और मौजा बालीजुरी जे एल नं. 16 के बिंदु 19, 20, 21, 22 से गुजरती है तथा मौजा बालीजुरी जे एल नं. 16 एवं मौजा सिरसा जे एल नं. 17 के सम्मिलित बिंदु 23 पर मिलती है ।
- 21-22-23 रेखा, मौजा बालीजुरी जे एल नं. 16 एवं मौजा सिरसा जे एल नं. 17 के सम्मिलित बिंदु 23 से प्रारंभ होती है और मौजा सिरसा जे एल नं. 17 के बिंदु 24, 25, 26, 27 से भी गुजरती है तथा मौजा सिरसा जे एल नं. 17 के प्रारंभिक बिंदु 1 पर मिलती है ।

[सं. 430]5/28/2009 पी.आर.आई.डब्ल्यू ।]

एम. शहाबुद्दीन, अवर सचिव

MINISTRY OF COAL

New Delhi, the 4th January, 2010

S.O. 97.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands in the locality mentioned in the schedule hereto annexed:

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein :

The plan bearing number CGM/JNR/LAND/CBA/09/17 dated the 18th June, 2009 of the area covered by this notification can be inspected at the office of the Collector, Burdwan (West Bengal) or at the office of the Chief General Manager (Exploration Division), Central Mine Planning and Design Institute, Gondwana Palace, Kanke Road, Ranchi or at the office of the Coal Controller, 1, Council House Street, Kolkata 700001 or at the office of the Director (Tech) (P and P), Eastern Coalfields Limited, Sanctoria, P.O. Dishergarh, Dist.-Burdwan (West Bengal) Pin Code-713333.

All person interested in the lands covered by this notification shall deliver all maps, charts and other documents referred in Sub-section (7) of Section 13 of the said Act to the Director (Tech) (P and P), Eastern Coalfields Limited, Sanctoria, P.O. Dishergarh, District Burdwan, (West Bengal) Pin number-713333 within ninety days from the date of the publication of this notification in the Official Gazette.

SCHEDULE

**JHANJRA-KALIPUR GEOLOGICAL BLOCK,
DISTRICT BURDWAN, WEST BENGAL.**

(DRAWING/PLAN NUMBER :-CGM/JNR/LAND/CBA/09/17 Dated the 18th June, 2009).

A. All right

S. No.	Mouza (Village)	J.L. No.	Police Station (Thana)	District	Area in Hectare	Remarks
1.	Sirsha	17	Faridpur	Burdwan	48.00	Part
2.	Balijuri	16	-do-	-do-	69.00	Part
3.	Madhaiganj	24	-do-	-do-	39.80	Part
4.	Benabandi	11	-do-	-do-	29.60	Part
5.	Srikrishnapur	9	-do-	-do-	23.80	Part
Total					210.20 (Approximately)	

B. Mining right

1.	Balijuri	16	Faridpur	Burdwan	19.00	Part
Total					19.00 (Approximately)	

Bounday Description of the Area Being Notified Under Section 4 (1) of the CBA (A & D) Act, 1957

Line	Boundary description.
1-2-3-4	Line starts from point 1 of Mouza Sirsha, JL No. 17 and passing through point 2, 3 of Mouza Sirsha, JL No. 17 and meets at point 4 common point of Mouza Sirsha, JL No. 17 & Mouza Balijuri, JL No. 16.
4-5	Line starts point 4 common point of Mouza Sirsha, JL No. 17 & Mouza Balijuri, JL No. 16 and passes through Mouza Balijuri, JL No. 16 and meets at point 5 common point of Mouza Balijuri, JL No. 16 & Mouza Benabandi, JL No. 11.
5-5A	Line starts from point 5 common point of Mouza Balijuri, JL No. 16 & Benabandi, JL No. 11 and passes through Mouza Balijuri, JL No. 16 and meets at point 5A common point of Mouza Balijuri, JL No. 16 & Benabandi, JL No. 11.
5A-6	Line starts from 5A common point of Mouza Balijuri, JL No. 16 & Benabandi, JL No. 11 and passes through the same common boundary and meets at point 6 common point of Mouza Balijuri, JL No. 16 & Benabandi, JL No. 11.
6-7	Line starts from point 6 common point of Mouza Balijuri, JL No. 16 & Benabandi, JL No. 11 and passes through Mouza Benabandi, JL No. 11 and meets at point 7, Mouza Benabandi, JL No. 11.
7-8	Line starts from point 7 of Mouza Benabandi JL No. 11 and passes through Mouza Benabandi JL No. 11 and meets at point 8 common point of Mouza Benabandi JL No. 11 and Mouza Srikrishnapur, JL No. 9.
8-9	Line starts from point 8 common point of Mouza Benabandi JL No. 11 and Mouza Srikrishnapur, JL No. 9 and passes through Mouza Srikrishnapur, JL No.9 and meets at point 9 of Mouza Srikrishnapur, JL No. 9.
9-10	Line starts from point 9 of Mouza Srikrishnapur, JL No.9 and passes through Mouza Srikrishnapur, JL No. 9 and meets at point 10, common point of Mouza Srikrishnapur, JL No. 9 and Mouza Madhaiganj, JL No. 24.
10-11	Line starts from point 10 common point of Mouza Srikrishnapur, JL No. 9 and Mouza Madhaiganj, JL No. 24 and meets at point No. 11 of Mouza Madhaiganj, JL No. 24.
11-12-13-14-15-16	Line starts from point 11 of mouza Madhaiganj, JL No. 24 and passes through point 12, 13, 14, 15, 16 all passes through mouza Madhaiganj JL No. 24 and meets at point 17 common point of mouza Madhaiganj, JL No. 24 and Benabandi, JL No. 11.
17-18	Line starts from point 17, common point of mouza Madhaiganj, JL No. 24 and mouza Benabandi, JL No. 11 and passes through mouza Benabandi, JL No. 11 and meets at point 18 common point of Mouza Benabandi, JL No. 11 and mouza Balijuri, JL No; 16.
18-19-20-21-22-23	Line starts from point 18 common point of Mouza Benabandi, JL No. 11 and Mouza Balijuri, JL No. 16 and passes through point 19, 20, 21, 22 all passes through Mouza Balijuri JL No. 16 and meets at point 23 common point of Mouza Balijuri JL No. 16 and Mouza Sirsha JL No. 17.
23-24-25-26-27-1	Line starts from point No. 23 common point of Mouza Balijuri JL No. 16 and Mouza Sirsha JL No. 17 and passes through points 24, 25, 26, 27 all passes through Mouza Sirsha, JL No. 17 and meets at starting point 1 of Mouza Sirsha, JL No. 17.

[No. 13015 28 2009-PRIW-I]

M. SHAHABU DEEN, Under Secy.

नई दिल्ली, 5 जनवरी 2010

का. आ. 98.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम 1957 (1957 का 20) (जिसे इसमें इसका पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) के अधीन जारी भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का.आ. 1936 तारीख 10 जुलाई, 2009, जो भारत के राजपत्र के भाग-II, खंड-3, उपखण्ड (ii) तारीख 18 जुलाई, 2009 में प्रकाशित की गई थी, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि में जिसका माप 766.00 हेक्टर (लगभग) या 1892.78 एकड़ (लगभग) हैं, सर्वेक्षण करने के अपने आशय की सूचना दी थी;

और केन्द्रीय सरकार का यह समाधान हो गया है कि इस अधिसूचना से उपाबद्ध अनुसूची (या) में विहित उक्त भूमि में कोयला अभिप्राय्य है;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अनुसूची में वर्णित 743.83 हेक्टर (लगभग) या 1838.00 एकड़ (लगभग) माप वाली भूमि में या उस पर के सभी अधिकार का अर्जन करने की, अपने आशय की सूचना देती है;

टिप्पण 1 : इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक संख्या सी-1 (ई) III/जेजेआर/802-0909, तारीख 29 सितम्बर, 2009 का कलक्टर, चंद्रपुर (महाराष्ट्र) के कार्यालय में या कोयला नियंत्रक, 1, कार्डसिल हाऊस स्ट्रीट, कोलकाता (700 001) के कार्यालय में या महाप्रबंधक, वेस्टर्न कोलफील्ड्स लिमिटेड (राजस्व विभाग), कोल ईस्टेट, सिविल लाईन्स, नागपुर 440 001 (महाराष्ट्र) के कार्यालय में निरीक्षण किया जा सकता है।

टिप्पण 2 : उक्त अधिनियम की धारा 8 के उपबंधों की ओर ध्यान आकृष्ट किया जाता है, जिसमें निम्नलिखित उपबंध हैं :

अर्जन की बाबत आपत्तियाँ-

"8(1) कोई व्यक्ति जो किसी भूमि में, जिसकी बाबत धारा 7 के अधीन अधिसूचना निकाली गई है, हितबद्ध है, अधिसूचना के निकाले जाने से तीस दिन के भीतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर के किन्हीं अधिकारों का अर्जन किए जाने के बारे में आपत्ति कर सकेगा।

स्पष्टीकरण :-

- (1) इस धारा के अर्थान्तर्गत यह आपत्ति नहीं मानी जायेगी, कि कोई व्यक्ति किसी भूमि में कोयले उत्पादन के लिए स्वयं खनन भौतिकीय करना चाहता है और ऐसी सक्रियाएं केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी चाहिए।
- (2) उपधारा (1) के अधीन प्रत्येक आपत्ति, सक्षम अधिकारी को लिखित रूप में की जायेगी और सक्षम अधिकारी, आपत्तिकता को स्वयं सुने जाने, विधि व्यवसायी द्वारा सुनवाई का अवसर देगा और ऐसी सभी आपत्तियों को सुनने के पश्चात् और ऐसी अतिरिक्त जाँच यदि कोई हो, करने के पश्चात् जो वह आवश्यक समझता है, वह या तो धारा 7 की उपधारा (1) के अधीन अधिसूचित भूमि के या ऐसी भूमि में या उस पर के अधिकारों के संबंध में एक रिपोर्ट या ऐसी भूमि के विभिन्न टुकड़ों या ऐसी भूमि में या उस पर के अधिकारों के संबंध में आपत्तियों पर अपनी सिफारिशों और उसके द्वारा की गई कार्रवाई के अभिलेख सहित विभिन्न रिपोर्टों केन्द्रीय सरकार को उसके विनिश्चय के लिए देगा।
- (3) इस धारा के प्रयोजनों के लिए वह व्यक्ति किसी भूमि में हितबद्ध समझा जाएगा जो प्रतिकर में हित का दावा करने का हकदार होना, यदि भूमि या ऐसी भूमि में या उस पर के अधिकार इस अधिनियम के अधीन अर्जित कर लिए जाते हैं।"

टिप्पण 3 : केन्द्रीय सरकार ने, कोयला नियंत्रक, 1, कार्डसिल हाऊस स्ट्रीट, कोलकाता-700 001, को उक्त अधिनियम की धारा 3 के अधीन भारत के राजपत्र, भाग-II, खंड-3, उपखंड (ii), तारीख 11 जून, 1983 की अधिसूचना सं. का.आ. 2519 तारीख 27 मई, 1983 द्वारा सक्षम प्राधिकारी नियुक्त किया है।

अनुसूची

पेनगंगा ओपनकास्ट परियोजना

वणी क्षेत्र

जिला चंद्रपुर (महाराष्ट्र)

(रेखांक संख्या भी-1 (ई) III/जेजेआर/802-0909, तारीख 29 सितम्बर, 2009)

सभी अधिकार

क्रम संख्या	ग्राम का नाम	पटवारी सर्कल	तहसील	जिला	क्षेत्रफल हेक्टर में	टिप्पणी
1.	विरूर	3	कोरपना	चंद्रपुर	478.92	भाग
2.	दनोडा (रोठ)	4	कोरपना	चंद्रपुर	199.94	भाग
3.	बोरगांव	4	कोरपना	चंद्रपुर	64.97	भाग
कुल क्षेत्र :					743.83 हेक्टर (लगभग) या 1838.00 एकड़ (लगभग)	

ग्राम विरूर में अर्जित किए जाने वाले प्लॉट संख्यांक :-

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36/1, 36/2, 36/3, 37, 38, 39क, 39ख, 39ग, 40, 41, 42, 43, 44, 45/1, 45/2, 46/1, 46/2, 47, 48, 49, 50, 51, 52, 53, 54, 55/1, 55/2, 56, 57, 58/1, 58/2, 59, 60, 61, 62, 63, 64, 65, 66/1क, 66/1ख, 66/2, 67/क 1, 67/क 2, 67/ख1, 67/ख2, 68, 69/1, 69/2, 69/3, 70, 71, 72, 73, 74, 75, 76, 77, 78क, 78ख, 79, 80, 81/1, 81/2, 82, 83, 84/1, 84/2, 85, 86, 87/1, 87/2, 88/1, 88/2, 88/3, 89, 90/1, 90/2, 91/1, 91/2, 92/1, 92/2, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104/1, 104/2, 111, 112, 113, 114, 122, 123, 124, 125, 126/1, 126/2, 127, 128, 129, 130/1, 130/2, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140/1, 140/2, 140/3, 141, 142/1, 142/2, 143/1क, 143/1ख, 143/1ग, 143/1घ, 143/2, 144, 145, 146, 147, 148, 149, 150/1, 150/2, 150/3, 151, 152/1, 152/2, 153/1, 153/2, 153/3, 153/4, 154, 155, 156, 157, 158, 159/1, 159/2, 160, 161, 162, 163, 164, 165, 166/1, 166/2, 167/1, 167/2, 167/3, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183/1, 183/2, 183/3, 184, 185, 186, 187, 188/1, 188/2, 189, 190/1, 190/2, 191, 192, 193/1, 193/2, 194/1, 194/2, 195/ग, 195/घ, 196/क, 196/ख, 197, 198, 199, 200, 201, 202, 203, 220/1, 220/2, 221/1, 221/2, 221/3, 227/1, 227/2, 228, 229, 230, 231, 232, 233, 234, 235, 236/क, 236/ख, 237, 238/क, 238/ख, 238/ग, 238/घ, 238ङ, 238/च, 239, 253/1 क, 253/1ख, 253/2, 253/3, 254/1, 254/2, 254/3, 255/1, 255/2, 256/1, 256/2, 256/3, 257/1, 257/2, 258, 259, 260, 261, 262, 263, 264/1, 264/2, 265/1, 265/2, 266/1, 266/2, 266/3, 266/4, 266/5, 267/1, 267/2, 268, 269, 270, 271, 272, 273, 274/1, 274/2, 274/3, 274/4, 274/5, 274/6, 275 (भाग), 276 (भाग), 277.

ग्राम बोरगांव में अर्जित किए जाने वाले प्लॉट संख्यांक :-

46, 52 (भाग), 53, 54 (भाग), 55, 56, 57, 58, 59/1, 59/2 (भाग), 59/3 (भाग), 60 (भाग), 67, 68.

ग्राम दनोडा (रीठ) में अर्जित किए जाने वाले प्लॉट संख्यांक :-

1, 2, 3/1, 3/2, 4/1, 4/2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 (भाग), 26, 27, 29 (भाग), 31 (भाग), 41, 42, 63, 64, 65, 66/1, 66/2, 67, 68/1, 68/2, 69, 70/1, 70/2, 71, 72/1, 72/2, 72/3, 72/4, 72/5, 72/6, 73/1, 73/2, 74, 75, 76, 77, 78, 79, 80, 81, 82/1, 82/2, 82/3, 83, 84, 85, 86/1, 86/2, 87, नाला सड़क।

सीमा वर्णन :-

- क-ख :** रेखा 'क' बिन्दु से आरंभ होती है और ग्राम विरूर के पेनगंगा नदी के किनारे से होते हुए प्लॉट संख्यांक 254/3, 254/2, 254/1, 257/1, 258, 259, 260, 274/1, 274/5, की बाह्य सीमा के साथ गुजरती है और सड़क पार करके प्लॉट संख्यांक 1, 13, 14, 15, 16, 26, 27, 28, 29, 30, 31, 34 की बाह्य सीमा से गुजरती हुई ग्राम विरूर तथा बोरगांव की सम्मिलित सीमा को पार करती हुई प्लॉट संख्या 68 की बाह्य सीमा के साथ गुजरती हुई बिन्दु 'ख' पर मिलती है।
- ख-ग :** रेखा बिन्दु 'ख' से आरंभ होती है और ग्राम बोरगांव के प्लॉट संख्यांक 68, 67, 59/2, 59/3 (भाग), की बाह्य सीमा के साथ गुजरती है और प्लॉट संख्यांक 59/3, 59/2, 60 (भाग), 54 (भाग), को पार करती हुई फिर से प्लॉट संख्यांक 60 (भाग), 52 (भाग), से गुजरती हुई प्लॉट संख्यांक 52, 53, 46, की बाह्य सीमा के साथ गुजरती हुई ग्राम बोरगांव तथा दनोडा (रीठ) की सम्मिलित ग्राम सीमा पर बिन्दु 'ग' पर मिलती है।
- ग-घ :** रेखा बिन्दु 'ग' से आरंभ होती है और ग्राम दनोडा (रीठ) के प्लॉट संख्यांक 23 से गुजरती हुई प्लॉट संख्यांक 27 की बाह्य सीमा के साथ गुजरती है और प्लॉट संख्यांक 29 (भाग), 31 (भाग), को पार करती हुई प्लॉट संख्यांक 41, 42, 65, 64, 63, की बाह्य सीमा से गुजरती हुई बिन्दु 'घ' पर मिलती है।
- घ-ङ :** रेखा बिन्दु 'घ' से आरंभ होती है और ग्राम दनोडा (रीठ) से गुजरती हुई प्लॉट संख्यांक 63, 67, 68/2, 68/1, की बाह्य सीमा के साथ होती हुई नाला पार करती है और ग्राम दनोडा (रीठ) और विरूर की सम्मिलित ग्राम सीमा को पार करती हुई प्लॉट संख्यांक 100, 103 की बाह्य सीमा के साथ गुजरती हुई बिन्दु 'ङ' पर मिलती है।
- ङ-क :** रेखा बिन्दु 'ङ' से आरंभ होती है और ग्राम विरूर से होती हुई प्लॉट संख्यांक 103, 104/2, 104/1, 94, 111, 112, 113, 114, 123, 122, 131 की बाह्य सीमा के साथ गुजरती है और सड़क पार करती हुई प्लॉट संख्यांक 202, 203, 198, 220/2, 221/3, 221/2, 227/1, 227/2, 239, 238/ङ, 238/घ, 253/2, 253/3, 253/1ख, 254/3 की बाह्य सीमा के साथ गुजरती है और आरंभिक बिन्दु 'क' पर मिलती है।

[फा. सं. 43015/14/2009 पी.आर.आई.डब्ल्यू 1]

एम. शहाबुद्दीन, अवर सचिव

New Delhi, the 5th January, 2010

S.O. 98.—Whereas, by the notification of the Government of India in the Ministry of Coal number S. O. 1936 dated the 10th July, 2009, issued under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act,

1957 (20 of 1957) (hereinafter referred to as the said Act) and published in the Gazette of India, Part - II, section - 3, sub-section (ii) dated the 18th July, 2009, the Central Government gave notice of its intention to prospect for coal in 766.00 hectares (approximately) or 1892.78 acres (approximately) of the lands in the locality specified in the Schedule annexed to that notification;

And whereas, the Central Government is satisfied that coal is obtainable in a part of said lands prescribed in the Schedule (s) appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire All Rights in or over the land measuring 743.83 hectares (approximately) or 1838.00 acres (approximately) described in Schedule.

Note 1: The plan bearing number C-1(E)III/JJR/802- 0909 dated the 29th September, 2009 of the area covered by this notification may be inspected at the office of the Collector, Chandrapur (Maharashtra) or in the office of the Coal Controller, 1, Council House Street, Kolkata (Pin 700 001) or at the office of the General Manager, Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur - 440001 (Maharashtra).

Note 2: Attention is hereby invited to the provisions of Section 8 of the said Act which provides as follows :

Objections to Acquisition

"8(1) Any person interested in any land in respect of which a notification under section 7 has been issued, may, within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or of any rights in or over such land."

Explanation :—

- (1) It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that such operations should not be undertaken by the Central Government or by any other person.
- (2) Every objection under sub-section (1) shall be made to the competent authority in writing, and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of Section 7 or of rights in or over such land, or make different reports in respect of different parcels of such land or of rights in or over such land, to the Central Government, containing his recommendations on the objections, together with the record of proceedings held by him, for the decision of that Government.
- (3) For the purpose of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act."

Note 3: The Coal Controller, 1, Council House Street, Kolkata- 700 001 has been appointed by the Central Government as the competent authority under section 3 of the said Act, vide notification number S.O. 2519 dated the 27th May, 1983, published in Part- II, Section 3, Sub-Section (ii) of the Gazette of India, dated the 11th June, 1983.

SCHEDULE

PENGANGA OPENCAST PROJECT

WANI AREA

DISTRICT CHANDRAPUR (MAHARASHTRA)

(Plan number C-1(E)III/JJR/802- 0909 dated the 29th September, 2009) All Rights

Sl. No.	Name of Village	Patwari Circle number	Tahsil	District	Area in Hectares	Remarks
1.	Vinur	3	Korpana	Chandrapur	478.92	Part
2.	Danoda (Rith)	4	Korpana	Chandrapur	199.94	Part
3.	Borgaon	4	Korpana	Chandrapur	64.97	Part

Total: 743.83 Hectares (approximately)
or 1838.00 Acres (approximately)

Plot numbers to be acquired in village Virur :

1,2,3,4,5,6,7,8,9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36/1, 36/2, 36/3, 37, 38, 39A, 39B, 39C, 40, 41, 42, 43, 44, 45/1, 45/2, 46/1, 46/2, 47, 48, 49, 50, 51, 52, 53, 54, 55/1, 55/2, 56, 57, 58/1, 58/2, 59, 60, 61, 62, 63, 64, 65, 66/1A, 66/1B, 66/2, 67/ A/ 67/ A2, 67/B1, 67/B2, 68, 69/1, 69/2, 69/3, 70, 71, 72, 73, 74, 75, 76, 77, 78/ A, 78/B, 79, 80, 81/1, 81/2, 82, 83, 84/1, 84/2, 85, 86, 87/1, 87/2, 88/1, 88/2, 88/3, 89, 90/1, 90/2, 91/1, 91/2, 92/1, 92/2, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104/1, 104/2, 111, 112, 113, 114, 122, 123, 124, 125, 126/1, 126/2, 127, 128, 129, 130/1, 130/2, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140/1, 140/2, 140/3, 141, 142/1, 142/2, 143/1A, 143/1B, 143/1C, 143/1D, 143/2, 144, 145, 146, 147, 148, 149, 150/1, 150/2, 150/3, 151, 152/1, 152/2, 153/1, 153/2, 153/3, 153/4, 154, 155, 156, 157, 158, 159/1, 159/2, 160, 161, 162, 163, 164, 165, 166/1, 166/2, 167/1, 167/2, 167/3, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183/1, 183/2, 183/3, 184, 185, 186, 187, 188/1, 188/2, 189, 190/1, 190/2, 191, 192, 193/1, 193/2, 194/1, 194/2, 195/C, 195/D, 196/ A, 196/B, 197, 198, 199, 200, 201, 202, 203, 220/1, 220/2, 221/1, 221/2, 221/3, 227/1, 227/2, 228, 229, 230, 231, 232, 233, 234, 235, 236/ A, 236/B, 237, 238/ A, 238/B, 238/C, 238/D, 238/E, 238/F, 239, 253/1A, 253/1B, 253/2, 253/3, 254/1, 254/2, 254/3, 255/1, 255/2, 256/1, 256/2, 256/3, 257/1, 257/2, 258, 259, 260, 261, 262, 263, 264/1, 264/2, 265/1, 265/2, 266/1, 266/2, 266/3, 266/4, 266/5, 267/1, 267/2, 268, 269, 270, 271, 272, 273, 274/1, 274/2, 274/3, 274/4, 274/5, 274/6, 275 (Part), 276 (Part), 277.

Plot numbers to be acquired in village Borgaon :

46, 52 (Part), 53, 54 (Part), 55, 56, 57, 58, 59/1, 59/2 (Part), 59/3 (Part), 60 (Part), 67, 68.

Plot numbers to be acquired in village Danoda (Rith) :

1,2,3/1,3/2,4/1,4/2,5,6,7,8,9,10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 (Part), 26, 27, 29 (Part), 31 (Part), 41, 42, 63, 64, 65, 66/1, 66/2, 67, 68/1, 68/2, 69, 70/1, 70/2, 71, 72/1, 72/2, 72/3, 72/4, 72/5, 72/6, 73/1, 73/2, 74, 75, 76, 77, 78, 79, 80, 81, 82/1, 82/2, 82/3, 83, 84, 85, 86/1, 86/2, 87, Nallah, Road.

Boundary description :

- A-B: Line starts from point 'A' passes through village Virur along with the Bank of Penganga River and outer boundary of plot numbers 254/3, 254/2, 254/1, 257/1, 258, 259, 260, 274/1, 274/5, crosses road then passes along with outer boundary of plot numbers 1, 13, 14, 15, 16, 26, 27, 28, 29, 30, 31, 34, Nallah, then passes along the common village boundary of villages Virur and Borgaon then passes through village Borgaon and meets at Point 'B' on outer boundary of plot number 68.
- B-C: Line passes through village Borgaon along with the outer boundary of plot numbers 68, 67, 59/2, 59/3 (Part), then passes through plot numbers 59/3, 59/2, 60 (Part), 54 (Part), again 60 (Part), 52 (Part), then proceeds along the outer boundary of plot numbers 52, 53, 46 and meets at Point 'C' on common village boundary of villages Borgaon and Danoda (Rith).
- C-D: Line passes through village Danoda (Rith) and plot number 23 then proceeds along with the outer boundary of plot number 27 then passes through plot numbers 29 (Part), 31 (Part) then proceeds along with the outer boundary of plot numbers 41, 42, 65, 64, 63 and meets at Point 'D'.
- D-E: Line passes through village Danoda (Rith) along with the outer boundary of plot numbers 63, 67, 68/2, 68/1, crosses nallah and common village boundary of villages Danoda (Rith and Virur) along with the outer boundary of plot numbers 100, 103 and meets at Point 'E'.
- E-A: Line passes through village Virur along with the outer boundary of plot numbers 103, 104/2, 104/1, 94, 111, 112, 113, 114, 123, 122, 131, crosses road then proceeds along with the outer boundary of plot numbers 202, 203, 198, 220/2, 221/3, 221/2, 227/1, 227/2, 239, 238/E, 238/D, 253/2, 253/3, 253/1B, 254/3 and meets at starting Point 'A'.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 6 जनवरी, 2010

का.आ. 99.—भारत सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खंड (क) के अनुसरण में भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 3032 तारीख 4-11-2009 द्वारा श्री एन. के. सुंदरेसन को केरल राज्य में मैसर्स गेल (इण्डिया) लिमिटेड द्वारा पाइपलाइन बिछाने के लिये उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का पालन करने के लिए नियुक्त किया था;

और उक्त श्री सुंदरेसन का स्थानान्तरण हो गया है और श्री के. वी. साबू को उनके पद पर नियुक्त किया गया है;

और उक्त श्री सुंदरेसन की मैसर्स गेल (इण्डिया) लिमिटेड में सेवाएं समाप्त हो गई हैं;

अतः अब, भारत सरकार, उक्त अधिनियम की धारा 2 के खंड (क) के अनुसरण में और भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 3032 तारीख 4-11-2009 को अधिकांत करते हुए, नीचे दी गई अनुसूची के स्तंभ (1) में वर्णित व्यक्ति को उक्त मैसर्स गेल (इण्डिया) लिमिटेड द्वारा पाइपलाइन बिछाने के लिये निम्नलिखित अनुसूची के स्तंभ (2) में वर्णित क्षेत्र में उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का पालन करने के लिए नियुक्त करती है।

अनुसूची

व्यक्ति का नाम और पता	अधिकारिता का क्षेत्र
(1)	(2)
श्री के.वी.साबू, डिप्टी कलेक्टर, मैसर्स गेल (इण्डिया) लिमिटेड में प्रतिनियुक्ति पर, गेल (इण्डिया) लिमिटेड, कोची, केरला	सम्पूर्ण केरल राज्य

[फा. सं. एल 14014/35/09-आ.पी.]

स्नेह पी. मदन, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 6th January, 2010

S.O. 99. - Whereas, in pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Government of India vide Notification in the Ministry of Petroleum and Natural Gas S.O. 3032 dated 4-11-09 appointed Shri N.K. Sunderasan, Deputy Collector to perform the functions of the Competent Authority under the said Act for laying of pipeline by M/s. GAIL(India) Ltd. in the State of Kerala;

And, whereas, Shri Sunderasan has been transferred and Shri K.V.Sabu has been posted as his successor;

And, whereas, the services of the said Shri Sunderasan with M/s. GAIL (India) Limited has come to an end.

Now, therefore, in pursuance of clause (a) of Section 2 of the said Act and in supersession of the notification of the Government of India, Ministry of Petroleum & Natural Gas vide S.O. 3032 dated 4-11-2009 Government of India hereby authorizes the person mentioned in column (1) of the Schedule given below to perform the functions of the Competent Authority under the said Act for laying pipelines by the said M/s. GAIL (India) Limited in the area mentioned in column (2) of the said Schedule.

SCHEDULE

Name and Address of the person	Area of Jurisdiction
(1)	(2)
Shri K.V. Sabu, Deputy Collector, On deputation basis to M/s. GAIL (India) Limited, Kochi, Kerala	Whole State of Kerala

[F.No. L-14014/35/09-G.P.]
SNEH P. MADAN, Under Secy.

नई दिल्ली, 5 जनवरी, 2010

का.आ. 100.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि पारादीप (उड़ीसा) से रायपुर (छत्तीसगढ़) एवं राँची (झारखण्ड) तक पेट्रोलियम उत्पादों के परिवहन के लिये इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा “पारादीप-नया सम्बलपुर-रायपुर-राँची पाइपलाइन” बिछाई जानी चाहिए;

और, केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि, जिसके नीचे पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, में उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में श्री सुकान्त कुमार प्रधान, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, पारादीप -नया सम्बलपुर-रायपुर-राँची पाइपलाइन परियोजना, 1295, फॉरेस्ट पार्क, भुवनेश्वर- 751009 (उड़ीसा) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील-बांकी	जिला -कटक	राज्य-उड़ीसा		
गाँव का नाम	प्लॉट नं.	क्षेत्रफल		
		हेक्टेयर	एयर	वर्ग मीटर
(1)	(2)	(3)	(4)	(5)
पाटपुर	2939	00	08	51
	2938	00	02	38
	2937	00	03	86
	2907	00	15	32
	2910	00	01	58
	2911	00	03	61
	2909	00	00	46
	2912	00	02	74
	2913	00	02	18
	2918	00	02	48
	2916	00	01	11
	2917	00	03	29

(1)	(2)	(3)	(4)	(5)
पाटपुर-(जारी)	2915	00	00	20
	2925	00	05	29
	2928	00	00	40
	2927	00	01	10
	2929	00	00	38
	2926	00	02	85
	2930	00	01	79
	2931	00	05	10
	2932	00	01	08
	10566	00	03	35
	10563	00	03	40
	10562	00	02	13
	10559	00	00	10
	10560	00	22	08
	10556	00	01	97
	10554	00	04	51
	10555	00	01	23
	10553	00	01	17
	10339	00	03	43
	10338	00	03	19
	10340	00	01	12
	10341	00	05	52
	10342	00	03	84
	10333	00	08	36
	10302	00	07	30
	10301	00	14	60
	10287	00	07	35
	10285	00	00	96
	10258	00	00	67
	10257	00	03	58
	10256	00	00	10
	10286	00	00	15
	10252	00	00	20
	10255	00	05	83
	10254	00	00	16
	10763	00	03	81
	10241	00	00	55
	10190	00	05	05
पाखराखाल	431	00	03	46
	430	00	00	75
	429	00	00	69
	275	00	03	52
	276	00	00	10
	274	00	04	99
सिमिलिपुर	1386	00	00	81
	1155	00	00	18
	1387	00	00	40
	1156	00	00	79
	1157	00	01	51

(1)	(2)	(3)	(4)	(5)
सिमिलिपुर-(आरी)	1388	00	00	40
	1389	00	00	40
	1390	00	00	10
	1158	00	01	90
	1159	00	04	62
	1160	00	14	13
	1178	00	06	93
	1176	00	00	37
	1177	00	07	72
	1173	00	09	50
	1380	00	01	92
	1198	00	21	94
	1201	00	02	80
	1199	00	02	70
	1200	00	02	20
	1203	00	02	92
	1120	00	08	70
	1111	00	00	95
	1208	00	21	95
	1438	00	00	10
	1209	00	18	00
	1307	00	10	39
	1309	00	06	46
	1301	00	00	43
	1300	00	00	65
	1312	00	04	23
	1313	00	02	38
	1296	00	00	62
	1311	00	01	06
	1314	00	06	19
	1315	00	01	77
	1316	00	05	18
	1319	00	00	95
	1320	00	15	40
	1323	00	12	22
	1322	00	00	76
	1324	00	06	55
	1327	00	02	21
	1326	00	00	81
	1246	00	04	94

[सं. आर-25011/23/2009-ओ आर-1]

बी. के. दत्ता, अवर सचिव

New Delhi, the 5th January, 2010

S.O. 100.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of Petroleum products from Paradip (Orissa) to Raipur (Chhattisgarh) and Ranchi (Jharkhand),

“Paradip-New Sambalpur-Raipur-Ranchi Pipeline” should be laid by Indian Oil Corporation Limited:

And, whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the Land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Sri Sukanta Kumar Pradhan, Competent Authority, Indian Oil Corporation Limited, Paradip-New Sambalpur-Raipur-Ranchi Pipeline Project, 1295, Forest Park, Bhubaneswar-751009, (Orissa).

SCHEDULE

Tehsil : Banki		District : Cuttack		State : Orissa	
Name of the		Plot		Area	
Village		No.		Hectare	
				Are	
				Square	
				Metre	
(1)	(2)	(3)	(4)	(5)	(6)
Patpur	2939	00	08	51	
	2938	00	02	38	
	2937	00	03	86	
	2907	00	15	32	
	2910	00	01	58	
	2911	00	03	61	
	2909	00	00	46	
	2912	00	02	74	
	2913	00	02	18	
	2918	00	02	48	
	2916	00	01	11	
	2917	00	03	29	
	2915	00	00	20	
	2925	00	05	29	
	2928	00	00	40	
	2927	00	01	10	
	2929	00	00	38	
	2926	00	02	85	
	2930	00	01	79	

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
Patpur—Contd.	2931	00	05	10	Similipur—Contd.	1156	00	00	79
	2932	00	01	08		1157	00	01	51
	10566	00	03	35		1388	00	00	40
	10563	00	03	40		1389	00	00	40
	10562	00	02	13		1390	00	00	10
	10559	00	00	10		1158	00	01	90
	10560	00	22	08		1159	00	04	62
	10556	00	01	97		1160	00	14	13
	10554	00	04	51		1178	00	06	93
	10555	00	01	23		1176	00	00	37
	10553	00	01	17		1177	00	07	72
	10339	00	03	43		1173	00	09	50
	10338	00	03	19		1380	00	01	92
	10340	00	01	12		1198	00	21	94
	10341	00	05	52		1201	00	02	80
	10342	00	03	84		1199	00	02	70
	10333	00	08	36		1200	00	02	20
	10302	00	07	30		1203	00	02	92
	10301	00	14	60		1120	00	08	70
	10287	00	07	35		1111	00	00	95
	10285	00	00	96		1208	00	21	95
	10258	00	00	67		1438	00	00	10
	10257	00	03	58		1209	00	18	00
	10256	00	00	10		1307	00	10	39
	10286	00	00	15		1309	00	06	46
	10252	00	00	20		1301	00	00	43
	10255	00	05	83		1300	00	00	65
	10254	00	00	16		1312	00	04	23
	10763	00	03	81		1313	00	02	38
	10241	00	00	55		1296	00	00	62
	10190	00	05	05		1311	00	01	06
Pakharakhai	431	00	03	46		1314	00	06	19
	430	00	00	75		1315	00	01	77
	429	00	00	69		1316	00	05	18
	275	00	03	52		1319	00	00	95
	276	00	00	10		1320	00	15	40
	274	00	04	99		1323	00	12	22
Similipur	1386	00	00	81		1322	00	00	76
	1155	00	00	18		1324	00	06	55
	1387	00	00	40		1327	00	02	21
						1326	00	00	81
						1246	00	04	94

नई दिल्ली, 5 जनवरी, 2010

का.आ. 101.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि पारादीप (उड़ीसा) से रायपुर (छत्तीसगढ़) एवं राँची (झारखण्ड) तक पेट्रोलियम उत्पादों के परिवहन के लिये इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा “पारादीप-नया सम्बलपुर-रायपुर-राँची पाइपलाइन” बिछाई जानी चाहिए;

और, केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि, जिसके नीचे पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करते हैं;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में श्री सुकान्त कुमार प्रधान, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, पारादीप-नया सम्बलपुर-रायपुर-राँची पाइपलाइन परियोजना, 1295, फॉर्मर पार्क, भुवनेश्वर-751009 (उड़ीसा) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

जिल्ला-उड़ीसा	जिला-कटक	राज्य-उड़ीसा		
गाँव का नाम	प्लॉट नं.	क्षेत्रफल		
		हेक्टेयर	एयर	वर्ग मीटर
(1)	(2)	(3)	(4)	(5)
तालबस्त	4678	00	00	33
	9682	00	00	10
	9890	00	03	60
	4673	00	02	97
	4675	00	00	33
	4670	00	01	26
	4674	00	05	63
	4662	00	01	05
	4643	00	01	92
	4645	00	02	34
	4646	00	01	79
	4647	00	01	07

(1)	(2)	(3)	(4)	(5)
तालबस्त-जारी	4648	00	00	20
	4644	00	05	69
	4642	00	07	85
	4641	00	02	06
	4640	00	20	80
	4611	00	05	15
	4601	00	00	20
	4604	00	01	70
	4602	00	00	20
	4603	00	06	42
	9272	00	03	26
	4373	00	21	53
	4285	00	04	87
	4284	00	02	43
	4283	00	04	14
	4288	00	06	69
	4281	00	00	31
	4289	00	02	57
	4290	00	01	64
	4291	00	04	13
	4292	00	02	01
	4293	00	04	95
	4277	00	00	55
	4276	00	01	26
	4294	00	07	46
	4192	00	01	11
	4191	00	00	10
	4193	00	00	34
	4188	00	04	81
	4184	00	01	70
	4187	00	00	72
	4186	00	00	61
	4300	00	01	58
	4185	00	02	75
	4183	00	01	13
	4182	00	00	38
	4173	00	12	38
	4174	00	02	55
	4129	00	02	83
	4119	00	04	25
	4120	00	03	10
	4121	00	07	00
	4030	00	00	65

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
तालबस्त—जारी	4022	00	00	91	बिलपडासरधापुर—जारी	4513	00	02	95
	4025	00	03	10		4512	00	02	66
	4024	00	04	50		4511	00	03	04
	4023	00	06	90		4510	00	01	95
	4032	00	01	24		4509	00	02	71
पदनपुर	35	00	00	35		4508	00	02	44
	33	00	03	64		4507	00	02	40
	903	00	00	62		4506	00	03	75
	32	00	04	10		4505	00	03	34
	29	00	02	49		4504	00	02	34
	28	00	04	40		4503	00	01	76
	27	00	07	63		4501	00	02	57
	21	00	01	35		4500	00	00	61
	20	00	04	64		4497	00	07	99
	18	00	04	55		4498	00	02	65
	17	00	08	71		4486	00	00	60
	64	00	00	15		4927	00	06	47
	16	00	11	90		4383	00	05	63
	15	00	00	10		4467	00	00	77
	12	00	08	41		4469	00	01	08
	83	00	00	90		4468	00	10	16
	95	00	01	97		4461	00	02	98
	96	00	16	63		4462	00	01	96
	112	00	08	95		4407	00	06	70
	111	00	02	88		4406	00	01	93
	110	00	07	44		4408	00	04	12
	109	00	06	79		4405	00	00	36
	108	00	00	10		4410	00	03	52
	107	00	03	84		4411	00	02	21
	892	00	01	86		4409	00	02	22
	891	00	01	60		4412	00	01	43
	106	00	02	62		4413	00	00	10
	1	00	03	25		4415	00	06	66
बिलपडासरधापुर	4715	00	03	40		4930	00	05	67
	4709	00	04	55		4021	00	07	38
	4520	00	04	27		4022	00	00	26
	4519	00	03	09		4028	00	06	82
	4518	00	03	51		4016	00	06	78
	4517	00	02	82		4030	00	00	84
	4516	00	02	22		4031	00	00	49
	4515	00	02	34		4032	00	06	37
	4514	00	02	43		4033	00	00	30
						4035	00	04	63

(1)	(2)	(3)	(4)	(5)
बिलपडासरधापुर-जारी	4034	00	03	98
	4037	00	00	54
	4041	00	17	88
	4058	00	18	08
	4059	00	02	29
	4065	00	03	14
	3918	00	03	07
	4071	00	00	73
	3917	00	05	57
	4070	00	00	82
	4066	00	04	26
	3916	00	04	27
	4068	00	00	10
	4067	00	04	32
	3766	00	06	83
	3763	00	00	30
	3767	00	02	71
	3762	00	00	40
	3747	00	00	38
	3746	00	06	00
	3745	00	04	54
	3737	00	16	15
	3736	00	00	10
	3740	00	00	71
	3510	00	72	38
	3462	00	00	10
	3461	00	05	47
	3443	00	06	37
	3444	00	07	26
	3445	00	03	64
	3446	00	06	43
	3438	00	00	10
	3434	00	05	32
	3435	00	07	97
	3404	00	01	50
	3417	00	01	63
	3416	00	02	05
	3405	00	01	62
	3415	00	01	80
	3406	00	03	61
	3414	00	01	87

(1)	(2)	(3)	(4)	(5)
बिलपडासरधापुर-जारी	3411	00	00	93
	3410	00	01	77
	3327	00	08	47
	3326	00	10	04
	3329	00	00	38
	3330	00	00	10
	3332	00	00	22
	3312	00	00	95
	3311	00	05	46
	3310	00	03	84
	3308	00	01	00
	4252	00	01	65
	4253	00	00	80
	3303	00	00	12
	3302	00	13	80
	3301	00	02	63
	1435	00	04	66
	1436	00	00	44
	1437	00	00	73
	1440	00	09	22
	1439	00	04	86
	1438	00	01	85
	1441	00	00	10
	1408	00	01	39
	1384	00	04	55
	1383	00	00	54
	1338	00	03	08
	1313	00	17	66
	1310	00	00	30
	1311	00	00	26
	1312	00	05	04
	1305	00	01	18
	1307	00	03	73
	1306	00	00	16
	1298	00	09	55
	1299	00	05	18
	1274	00	00	39
	1279	00	00	10
	1275	00	07	27
	1276	00	05	27
	1264	00	01	06
	1277	00	00	10

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
बिलपडासरधापुर—जारी	1262	00	00	12	बिलपडासरधापुर—जारी	2063	00	10	03
	1263	00	10	15		2064	00	09	00
	1259	00	03	00		4840	00	06	27
	1260	00	01	16		2080	00	18	07
	1254	00	01	64		2070	00	00	70
	1256	00	11	35		2065	00	04	04
	1255	00	00	10		2073	00	00	10
	4906	00	05	94		2069	00	04	54
	1684	00	04	31		4924	00	04	69
	1694	00	01	17	बरपदनपुर	557	00	04	86
	1693	00	09	20		558	00	04	36
	1692	00	01	67		559	00	08	45
	1786	00	03	78		561	00	00	62
	1785	00	02	60		560	00	12	62
	1795	00	06	30		215	00	10	03
	1794	00	00	31		214	00	03	48
	1799	00	02	31		213	00	04	02
	1797	00	06	22	दुलणापुर	298	00	00	39
	1798	00	03	23		53	00	03	26
	1828	00	05	09	गोबिन्दपुर	319	00	04	89
	1824	00	08	15		321	00	00	69
	1822	00	02	97		320	00	00	40
	1836	00	04	16		324	00	07	34
	1902	00	00	75		323	00	00	58
	1903	00	00	97		330	00	18	97
	1900	00	01	80		328	00	12	26
	1901	00	02	35		1328	00	00	57
	1909	00	00	91		1327	00	07	37
	1907	00	00	10		1330	00	04	07
	1908	00	05	40		1331	00	02	94
	1889	00	02	51		1332	00	04	79
	1980	00	04	19		1333	00	00	10
	1981	00	01	77		1334	00	04	47
	1982	00	05	53		1335	00	01	52
	1987	00	00	25		1337	00	06	00
	1883	00	07	74		1338	00	00	83
	1882	00	14	15		1326	00	06	61
	2045	00	10	41		1315	00	00	10
	2046	00	07	97		1314	00	01	72
	2047	00	00	67		1313	00	09	88
	2044	00	01	24		1312	00	06	26
	2041	00	01	75		1810	00	00	96
						1311	00	06	89

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
गोबिन्दपुर-जारी	1309	00	01	16	गडजित-जारी	567	00	07	02
	1293	00	01	72		602	00	13	19
	1308	00	13	52		686	00	15	32
	1307	00	00	27		685	00	06	77
	1366	00	02	46		682	00	01	26
	1526	00	00	10		683	00	00	95
	1524	00	17	42		684	00	01	02
	1523	00	07	12		3116	00	02	45
	1522	00	09	87		969	00	00	34
	1520	00	06	04		968	00	01	71
	1613	00	00	82		959	00	16	68
	1553	00	14	30		958	00	06	83
	1541	00	01	20		957	00	01	71
	1542	00	00	20		956	00	01	10
	1545	00	06	50		954	00	06	46
	1546	00	01	41		2983	00	08	08
	1547	00	05	80		952	00	00	66
	1552	00	04	82		951	00	01	74
	1685	00	02	19		950	00	05	23
	1687	00	16	94		947	00	02	32
	1688	00	09	81		949	00	00	13
	1690	00	01	35		948	00	15	51
	786	00	90	59		942	00	06	46
	785	00	00	76		943	00	08	19
	783	00	24	12		3430	00	14	44
	784	00	04	34		938	00	05	64
	767	00	44	12		1337	00	02	74
	768	00	01	29		1338	00	25	53
	769	00	01	89		1339	00	08	09
	770	00	01	38		1340	00	16	43
	772	00	01	47		1330	00	29	00
	771	00	25	51		1327	00	02	60
गडजित	543	00	00	83		1328	00	02	40
	544	00	00	95		1325	00	02	08
	545	00	03	00		1326	00	00	82
	742	00	25	53		1320	00	00	30
	741	00	25	03		1319	00	06	19
	597	00	85	38		1318	00	03	05
	601	00	02	86		3482	00	02	44
	600	00	01	65		1317	00	02	62
	599	00	00	44		1314	00	05	98
	568	00	01	83		1299	00	10	73
	566	00	02	92		1298	00	00	71

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
गडजित-जारी	1300	00	00	13	कुसुपंगी-जारी	3653	00	02	48
	1302	00	00	91		3656	00	01	27
	1294	00	02	43		3657	00	00	32
	1293	00	03	55		3652	00	02	68
	1288	00	01	31		3661	00	00	81
	1286	00	00	70		3685	00	00	91
	1289	00	02	59		3537	00	00	11
	3474	00	04	72		3535	00	00	29
	3473	00	05	81		3539	00	03	13
	1276	00	00	10		3534	00	05	77
	1280	00	08	88		3532	00	10	08
कुसुपंगी	3955	00	00	10		3516	00	00	89
	3956	00	07	97		3692	00	00	10
	3953	00	02	51		3693	00	01	46
	3950	00	03	68		3694	00	04	57
	3949	00	11	28		3695	00	03	31
	3948	00	00	36		3843	00	05	54
	4148	00	08	79		3711	00	01	08
	3941	00	16	05		3712	00	00	90
	4217	00	04	78		3713	00	00	39
	3600	00	13	11		3399	00	11	29
	3618	00	05	44		3412	00	00	10
	3602	00	00	37		3398	00	03	80
	3619	00	02	05		3391	00	00	26
	3617	00	00	61		3390	00	03	49
	3616	00	03	11		3389	00	02	78
	3621	00	00	72		3388	00	02	15
	3623	00	02	43		3387	00	03	15
	3624	00	01	07		3386	00	02	34
	3625	00	01	16		3385	00	00	71
	3630	00	00	10		3384	00	00	10
	3641	00	02	95		3351	00	00	10
	3631	00	00	41		3352	00	01	06
	3632	00	00	65		3353	00	02	03
	3633	00	02	32		3354	00	02	32
	3634	00	01	96		3355	00	02	57
	3636	00	03	43		3356	00	01	48
	3635	00	00	10		3347	00	01	58
	3637	00	00	34		3357	00	01	14
	3649	00	00	95		3346	00	06	57
	3650	00	02	31		3345	00	07	01
	3651	00	01	88		3331	00	00	10
						3333	00	00	10

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
कुसुपंगी	3334	00	00	34	कुसुपंगी—जारी	2593	00	02	06
	3335	00	00	64		2594	00	01	79
	3344	00	03	07		2598	00	01	47
	3336	00	00	86		2535	00	01	41
	3337	00	01	10		2599	00	02	11
	3343	00	02	51		2533	00	00	76
	3338	00	07	60		2534	00	03	18
	3332	00	00	10		2543	00	01	04
	2785	00	01	60		2532	00	00	10
	2774	00	00	84		2530	00	01	87
	2778	00	00	39		2529	00	01	45
	2779	00	00	12		2531	00	00	10
	2784	00	01	72		2528	00	02	74
	2783	00	02	34		2526	00	03	80
	2782	00	01	83		2522	00	02	06
	2781	00	00	63		2521	00	01	38
	2771	00	02	42		2520	00	01	57
	2770	00	05	63		2519	00	01	47
	2790	00	00	32		2518	00	02	38
	2791	00	02	44		2516	00	01	06
	2792	00	01	17		4206	00	00	10
	2793	00	00	41		2544	00	00	13
	2767	00	04	60		2489	00	00	94
	2766	00	01	36		2515	00	01	09
	2765	00	01	63		2511	00	00	95
	2685	00	00	94		4409	00	00	70
	2684	00	00	21		2509	00	01	88
	2764	00	00	43		2504	00	01	50
	2686	00	02	24		2503	00	01	43
	2687	00	04	51		2500	00	01	24
	2688	00	01	89		2499	00	01	53
	2576	00	00	10		2496	00	01	88
	2577	00	01	26		2495	00	00	95
	2578	00	00	30		2494	00	00	98
	4294	00	00	64		2490	00	04	81
	2581	00	01	00		2491	00	02	04
	2582	00	01	11		2488	00	01	96
	2589	00	00	17		2487	00	01	61
	2587	00	00	40		2486	00	01	14
	2588	00	01	42		2485	00	00	92
	2590	00	00	43		2473	00	02	63
	2591	00	00	93		2484	00	00	33
	2592	00	01	38					

[भाग II—खण्ड 3(ii)]

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
कुसुपंगी-जारी	2483	00	00	13	कुसुपंगी-जारी	1398	00	03	71
	2436	00	00	20		1404	00	03	04
	2463	00	00	59		1403	00	00	10
	2464	00	01	33		1408	00	03	83
	2465	00	06	04		1409	00	02	47
	2469	00	02	92		1271	00	00	93
	2470	00	00	10		1252	00	00	10
	2471	00	02	55		1251	00	04	59
	2472	00	01	13		1250	00	05	13
	1699	00	00	11		1249	00	00	76
	1694	00	06	50		1247	00	01	52
	1695	00	00	10		1248	00	00	24
	1670	00	05	43		1209	00	06	18
	4158	00	03	06		1246	00	00	10
	4184	00	00	61		1244	00	00	17
	1669	00	03	37		1233	00	00	32
	1668	00	04	17		1232	00	01	19
	1681	00	06	92		1220	00	04	93
	1667	00	00	10		1219	00	01	01
	1684	00	01	35		1212	00	06	76
	1519	00	06	85		1211	00	00	52
	1518	00	00	19		1213	00	02	96
	1517	00	00	19		1214	00	02	97
	1516	00	00	21		1215	00	01	21
	1525	00	00	10		1216	00	04	17
	1515	00	00	10		1199	00	00	10
	1520	00	03	01		1201	00	03	11
	1521	00	02	68		1202	00	05	76
	1522	00	00	74		1203	00	03	19
	1523	00	03	46		1204	00	00	10
	1524	00	03	23		1430	00	01	31
	1532	00	00	47		1431	00	00	25
	1390	00	00	46		4105	00	03	55
	1533	00	02	26		975	00	14	20
	1534	00	01	78		4110	00	01	49
	1535	00	01	47		4114	00	05	60
	1536	00	01	48		970	00	18	66
	1389	00	02	45		961	00	03	66
	1388	00	01	67		4153	00	00	82
	1387	00	01	38		957	00	07	84
	1396	00	00	96		956	00	00	10
	1397	00	03	37		4115	00	02	10

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
कुसुपंगी-जारी	955	00	02	62	चकुलेस्वर-जारी	347	00	01	40
	953	00	09	13		1439	00	00	29
	82	00	08	28		346	00	05	25
	83	00	03	90		583	00	03	36
	87	00	05	77		582	00	03	33
	4269	00	01	46		581	00	00	95
	88	00	00	40		587	00	00	82
	89	00	01	86		588	00	01	35
	90	00	14	04		612	00	01	48
	80	00	50	90		611	00	07	59
	4160	00	01	76		613	00	03	85
	4084	00	11	56		1336	00	04	85
	79	00	00	67		1326	00	02	73
	4022	00	09	08		614	00	01	33
	78	00	00	10		615	00	01	04
	77	00	04	84		628	00	01	30
	76	00	26	47		617	00	01	57
	75	00	27	02		604	00	01	57
	73	00	11	34		618	00	02	88
चकुलेस्वर	277	00	03	55		619	00	00	28
	278	00	04	02		620	00	02	21
	289	00	05	61		621	00	01	75
	290	00	03	99		706	00	02	79
	291	00	06	17		705	00	00	35
	297	00	04	64		714	00	00	84
	296	00	03	37		713	00	01	32
	302	00	01	23		717	00	01	24
	304	00	15	97		716	00	01	23
	1378	00	02	73		720	00	03	43
	320	00	00	20		721	00	01	81
	319	00	01	46		724	00	02	11
	318	00	02	15		725	00	03	66
	317	00	05	35		728	00	01	61
	316	00	00	41		729	00	02	08
	315	00	03	96		732	00	02	06
	314	00	00	51		733	00	01	75
	331	00	00	24		736	00	03	53
	313	00	00	43		737	00	04	12
	342	00	11	46		744	00	01	25
	332	00	00	10		745	00	01	20
	341	00	01	46		746	00	02	52
	343	00	04	02		748	00	01	46
	344	00	08	35		749	00	01	02

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
चकुलेस्वर-जारी	751	00	02	00	पाथपुर-जारी	383	00	04	52
	752	00	02	18		384	00	03	85
	753	00	00	70		385	00	07	58
	809	00	08	96		386	00	03	58
	810	00	06	64		387	00	03	08
	808	00	05	77		389	00	00	10
	818	00	00	10		388	00	01	88
	807	00	01	26		391	00	00	20
	819	00	00	68		390	00	02	72
	820	00	06	37		396	00	00	94
	1292	00	06	62		397	00	05	47
	1291	00	12	55		395	00	05	75
	1290	00	05	56		394	00	05	85
	1289	00	00	71		1090	00	04	00
	1287	00	11	87		1100	00	00	10
पाथपुर	405	00	03	22		1101	00	03	40
	403	00	06	21		1102	00	00	10
	416	00	00	99		1093	00	00	30
	417	00	01	03		1094	00	04	70
	418	00	01	43		1099	00	00	20
	488	00	00	35		1098	00	00	47
	489	00	06	72		1097	00	00	81
	478	00	00	10		1096	00	01	45
	490	00	22	51		1095	00	07	65
	639	00	02	23		1125	00	06	79
	640	00	02	32		1131	00	00	20
	641	00	02	32		1130	00	00	80
	642	00	02	18		1127	00	00	45
	643	00	02	00		1128	00	06	60
	647	00	06	10		1129	00	00	25
	648	00	00	22		1136	00	01	83
	649	00	06	92		1137	00	01	07
	650	00	01	54		1173	00	04	63
	651	00	01	77		1169	00	02	21
	652	00	00	10		1170	00	02	80
	654	00	08	47		1171	00	01	03
	655	00	00	39		1165	00	18	00
	402	00	01	77		1166	00	04	63
	401	00	02	92		1163	00	07	89
	400	00	03	16		3148	00	15	65
	381	00	00	20		3112	00	00	10
	382	00	04	52	महानदी	41	01	08	85

[सं. आर-25011/22/2009-ओ.आर-1]

बी. के. दत्ता, अवसर सचिव

New Delhi, the 5th January, 2010

S.O. 101.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of Petroleum products from Paradip (Orissa) to Raipur (Chhattisgarh) and Ranchi (Jharkhand), "Paradip-New Sambalpur-Raipur-Ranchi Pipeline" should be laid by Indian Oil Corporation Limited;

And, whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the Land described in the Schedule annexed to this notification.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of this notification as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Sri Sukanta Kumar Pradhan, Competent Authority, Indian Oil Corporation Limited, Paradip-New Sambalpur-Raipur-Ranchi Pipeline Project, 1295, Forest Park, Bhubaneswar-751009, (Orissa).

SCHEDULE

Tehsil : Damapada		District : Cuttack		State : Orissa	
Name of the Village	Plot No.	Area			
		Hectare	Are	Square Metre	
(1)	(2)	(3)	(4)	(5)	
Talabasta	4678	00	00	33	
	9682	00	00	10	
	9890	00	03	60	
	4673	00	02	97	
	4675	00	00	33	
	4670	00	01	26	
	4674	00	05	63	
	4662	00	01	05	
	4643	00	01	92	
	4645	00	02	34	
	4646	00	01	79	
	4647	00	01	07	
	4648	00	00	20	
	4644	00	05	69	
	4642	00	07	85	
	4641	00	02	06	

(1)	(2)	(3)	(4)	(5)
Talabasta—Contd.				
	4640	00	20	80
	4611	00	05	15
	4601	00	00	20
	4604	00	01	70
	4602	00	00	20
	4603	00	06	42
	9272	00	03	26
	4373	00	21	53
	4285	00	04	87
	4284	00	02	43
	4283	00	04	14
	4288	00	06	69
	4281	00	00	31
	4289	00	02	57
	4290	00	01	64
	4291	00	04	13
	4292	00	02	01
	4293	00	04	95
	4277	00	00	55
	4276	00	01	26
	4294	00	07	46
	4192	00	01	11
	4191	00	00	10
	4193	00	00	34
	4188	00	04	81
	4184	00	01	70
	4187	00	00	72
	4186	00	00	61
	4300	00	01	58
	4185	00	02	75
	4183	00	01	13
	4182	00	00	38
	4173	00	12	38
	4174	00	02	55
	4129	00	02	83
	4119	00	04	25
	4120	00	03	10
	4121	00	07	00
	4030	00	00	65
	4022	00	00	91
	4025	00	03	10

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
Talabasta— <i>Contd.</i>	4024	00	04	50	Biliparasaradhapur	4511	00	03	04
	4023	00	06	90	— <i>Contd.</i>	4510	00	01	95
	4032	00	01	24		4509	00	02	71
Padanpur	35	00	00	35		4508	00	02	44
	33	00	03	64		4507	00	02	40
	903	00	00	62		4506	00	03	75
	32	00	04	10		4505	00	03	34
	29	00	02	49		4504	00	02	34
	28	00	04	40		4503	00	01	76
	27	00	07	63		4501	00	02	57
	21	00	01	35		4500	00	00	61
	20	00	04	64		4497	00	07	99
	18	00	04	55		4498	00	02	65
	17	00	08	71		4486	00	00	60
	34	00	00	15		4927	00	06	47
	16	00	11	90		4383	00	05	63
	15	00	00	10		4467	00	00	77
	12	00	08	41		4469	00	01	08
	83	00	00	90		4468	00	10	16
	95	00	01	97		4461	00	02	98
	96	00	16	63		4462	00	01	96
	112	00	08	95		4407	00	06	70
	111	00	02	88		4406	00	01	93
	110	00	07	44		4408	00	04	12
	109	00	06	79		4405	00	00	36
	108	00	00	10		4410	00	03	52
	107	00	03	84		4411	00	02	21
	892	00	01	86		4409	00	02	22
	891	00	01	60		4412	00	01	43
	106	00	02	62		4413	00	00	10
	1	00	03	25		4415	00	06	66
Biliparasaradhapur	4715	00	03	40		4930	00	05	67
	4709	00	04	55		4021	00	07	38
	4520	00	04	27		4022	00	00	26
	4519	00	03	09		4028	00	06	82
	4518	00	03	51		4016	00	06	78
	4517	00	02	82		4030	00	00	84
	4516	00	02	22		4031	00	00	49
	4515	00	02	34		4032	00	06	37
	4514	00	02	43		4033	00	00	30
	4513	00	02	95		4035	00	04	63
	4512	00	02	66		4034	00	03	98
						4037	00	00	54

(1)	(2)	(3)	(4)	(5)
Biliparasaradhapur	4041	00	17	88
— Contd.	4058	00	18	08
	4059	00	02	29
	4065	00	03	14
	3918	00	03	07
	4071	00	00	73
	3917	00	05	57
	4070	00	00	82
	4066	00	04	26
	3916	00	04	27
	4068	00	00	10
	4067	00	04	32
	3766	00	06	83
	3763	00	00	30
	3767	00	02	71
	3762	00	00	40
	3747	00	00	38
	3746	00	06	00
	3745	00	04	54
	3737	00	16	15
	3736	00	00	10
	3740	00	00	71
	3510	00	72	38
	3462	00	00	10
	3461	00	05	47
	3443	00	06	37
	3444	00	07	26
	3445	00	03	64
	3446	00	06	43
	3438	00	00	10
	3434	00	05	32
	3435	00	07	97
	3404	00	01	50
	3417	00	01	63
	3416	00	02	05
	3405	00	01	62
	3415	00	01	80
	3406	00	03	61
	3414	00	01	87
	3411	00	00	93
	3410	00	01	77
	3327	00	08	47
	3326	00	10	04

(1)	(2)	(3)	(4)	(5)
Biliparasaradhapur	3329	00	00	38
— Contd.	3330	00	00	10
	3332	00	00	22
	3312	00	00	95
	3311	00	05	46
	3310	00	03	84
	3308	00	01	00
	4252	00	01	65
	4253	00	00	80
	3303	00	00	12
	3302	00	13	80
	3301	00	02	63
	1435	00	04	66
	1436	00	00	44
	1437	00	00	73
	1440	00	09	22
	1439	00	04	86
	1438	00	01	85
	1441	00	00	10
	1408	00	01	39
	1384	00	04	55
	1383	00	00	54
	1338	00	03	08
	1313	00	17	66
	1310	00	00	30
	1311	00	00	26
	1312	00	05	04
	1305	00	01	18
	1307	00	03	73
	1306	00	00	16
	1298	00	09	55
	1299	00	05	18
	1274	00	00	39
	1279	00	00	10
	1275	00	07	27
	1276	00	05	27
	1264	00	01	06
	1277	00	00	10
	1262	00	00	12
	1263	00	10	15
	1259	00	03	00
	1260	00	01	16
	1254	00	01	64

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
Biliparasaradhapur	1256	00	11	35	Biliparasaradhapur	2073	00	00	10
—Contd.	1255	00	00	10	—Contd.	2069	00	04	54
	4906	00	05	94		4924	00	04	69
	1684	00	04	31	Barapadanpur	557	00	04	86
	1694	00	01	17		558	00	04	36
	1693	00	09	20		559	00	08	45
	1692	00	01	67		561	00	00	62
	1786	00	03	78		560	00	12	62
	1785	00	02	60		215	00	10	03
	1795	00	06	30		214	00	03	48
	1794	00	00	31		213	00	04	02
	1799	00	02	31	Dulanapur	298	00	00	39
	1797	00	06	22	Gobindpur	53	00	03	26
	1798	00	03	23		319	00	04	89
	1828	00	05	09		321	00	00	69
	1824	00	08	15		320	00	00	40
	1822	00	02	97		324	00	07	34
	1836	00	04	16		323	00	00	58
	1902	00	00	75		330	00	18	97
	1903	00	00	97		328	00	12	26
	1900	00	01	80		1328	00	00	57
	1901	00	02	35		1327	00	07	37
	1909	00	00	91		1330	00	04	07
	1907	00	00	10		1331	00	02	94
	1908	00	05	40		1332	00	04	79
	1889	00	02	51		1333	00	00	10
	1980	00	04	19		1334	00	04	47
	1981	00	01	77		1335	00	01	52
	1982	00	05	53		1337	00	06	00
	1987	00	00	25		1338	00	00	83
	1883	00	07	74		1326	00	06	61
	1882	00	14	15		1315	00	00	10
	2045	00	10	41		1314	00	01	72
	2046	00	07	97		1313	00	09	88
	2047	00	00	67		1312	00	06	26
	2044	00	01	24		1810	00	00	96
	2041	00	01	75		1311	00	06	89
	2063	00	10	03		1309	00	01	16
	2064	00	09	00		1293	00	01	72
	4840	00	06	27		1308	00	13	52
	2080	00	18	07		1307	00	00	27
	2070	00	00	70		1366	00	02	46
	2065	00	04	04		1526	00	00	10

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
Gobindpur— <i>Contd.</i>	1524	00	17	42	Garajit— <i>Contd.</i>	684	00	01	02
	1523	00	07	12		3116	00	02	45
	1522	00	09	87		969	00	00	34
	1520	00	06	04		968	00	01	71
	1613	00	00	82		959	00	16	68
	1553	00	14	30		958	00	06	83
	1541	00	01	30		957	00	01	71
	1542	00	00	20		956	00	01	10
	1545	00	06	50		954	00	06	46
	1546	00	01	41		2983	00	08	08
	1547	00	05	80		952	00	00	66
	1552	00	04	82		951	00	01	74
	1685	00	02	19		950	00	05	23
	1687	00	16	94		947	00	02	32
	1688	00	09	81		949	00	00	13
	1690	00	01	35		948	00	15	51
	786	00	90	59		942	00	06	46
	785	00	00	76		943	00	08	19
	783	00	24	12		3430	00	14	44
	784	00	04	34		938	00	05	64
	767	00	44	12		1337	00	02	74
	768	00	01	29		1338	00	25	53
	769	00	01	89		1339	00	08	09
	770	00	01	38		1340	00	16	43
	772	00	01	47		1330	00	29	00
	771	00	25	51		1327	00	02	60
Garajit	543	00	00	83		1328	00	02	40
	544	00	00	95		1325	00	02	08
	545	00	03	00		1326	00	00	82
	742	00	25	53		1320	00	00	30
	741	00	25	03		1319	00	06	19
	597	00	85	38		1318	00	03	05
	601	00	02	86		3482	00	02	44
	600	00	01	65		1317	00	02	62
	599	00	00	44		1314	00	05	98
	568	00	01	83		1299	00	10	73
	566	00	02	92		1298	00	00	71
	567	00	07	02		1300	00	00	13
	602	00	13	19		1302	00	00	91
	686	00	15	32		1294	00	02	43
	685	00	06	77		1293	00	03	55
	682	00	01	26		1288	00	01	31
	683	00	00	95		1286	00	00	70

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
Garajit—Contd.	1289	00	02	59	Kusupangi—Contd.	3685	00	00	91
	3474	00	04	72		3537	00	00	11
	3473	00	05	81		3535	00	00	29
	1276	00	00	10		3539	00	03	13
	1280	00	08	88		3534	00	05	77
Kusupangi	3955	00	00	10		3532	00	10	08
	3956	00	07	97		3516	00	00	89
	3953	00	02	51		3692	00	00	10
	3950	00	03	68		3693	00	01	46
	3949	00	11	28		3694	00	04	57
	3948	00	00	36		3695	00	03	31
	4148	00	08	79		3843	00	05	54
	3941	00	16	05		3711	00	01	08
	4217	00	04	78		3712	00	00	90
	3600	00	13	11		3713	00	00	39
	3618	00	05	44		3399	00	11	29
	3602	00	00	37		3412	00	00	10
	3619	00	02	05		3398	00	03	80
	3617	00	00	61		3391	00	00	26
	3616	00	03	11		3390	00	03	49
	3621	00	00	72		3389	00	02	78
	3623	00	02	43		3388	00	02	15
	3624	00	01	07		3387	00	03	15
	3625	00	01	16		3386	00	02	34
	3630	00	00	10		3385	00	00	77
	3641	00	02	95		3384	00	00	10
	3631	00	00	41		3351	00	00	10
	3632	00	00	65		3352	00	01	06
	3633	00	02	32		3353	00	02	03
	3634	00	01	96		3354	00	02	32
	3636	00	03	43		3355	00	02	57
	3635	00	00	10		3356	00	01	48
	3637	00	00	34		3347	00	01	58
	3649	00	00	95		3357	00	01	14
	3650	00	02	31		3346	00	06	57
	3651	00	01	88		3345	00	07	01
	3653	00	02	48		3331	00	00	10
	3656	00	01	27		3333	00	00	10
	3657	00	00	32		3334	00	00	34
	3652	00	02	68		3335	00	00	64
	3661	00	00	81		3344	00	03	07

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
Kusupangi—Contd.	3336	00	00	86	Kusupangi—Contd.	2599	00	02	11
	3337	00	01	10		2533	00	00	76
	3343	00	02	51		2534	00	03	18
	3338	00	07	60		2543	00	01	04
	3332	00	00	10		2532	00	00	10
	2785	00	01	60		2530	00	01	87
	2774	00	00	84		2529	00	01	45
	2778	00	00	39		2531	00	00	10
	2779	00	00	12		2528	00	02	74
	2784	00	01	72		2526	00	03	80
	2783	00	02	34		2522	00	02	06
	2782	00	01	83		2521	00	01	38
	2781	00	00	63		2520	00	01	57
	2771	00	02	42		2519	00	01	47
	2770	00	05	63		2518	00	02	38
	2790	00	00	32		2516	00	01	06
	2791	00	02	44		4206	00	00	10
	2792	00	01	17		2544	00	00	13
	2793	00	00	41		2489	00	00	94
	2767	00	04	60		2515	00	01	09
	2766	00	01	36		2511	00	00	95
	2765	00	01	63		4409	00	00	70
	2685	00	00	94		2509	00	01	88
	2684	00	00	21		2504	00	01	50
	2764	00	00	43		2503	00	01	43
	2686	00	02	24		2500	00	01	24
	2687	00	04	51		2499	00	01	53
	2688	00	01	89		2496	00	01	88
	2576	00	00	10		2495	00	00	95
	2577	00	01	26		2494	00	00	98
	2578	00	00	30		2490	00	04	81
	4294	00	00	64		2491	00	02	04
	2581	00	01	00		2488	00	01	96
	2582	00	01	11		2487	00	01	61
	2589	00	00	17		2486	00	01	14
	2587	00	00	40		2485	00	00	92
	2588	00	01	42		2473	00	02	63
	2590	00	00	43		2484	00	00	33
	2591	00	00	93		2483	00	00	13
	2592	00	01	38		2436	00	00	20
	2593	00	02	06		2463	00	00	59
	2594	00	01	79		2464	00	01	33
	2598	00	01	47		2465	00	06	04
	2535	00	01	41		2469	00	02	92

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
Kusupangi—Contd.	2470	00	00	10	Kusupangi - Contd.	1252	00	00	10
	2471	00	02	56		1251	00	04	59
	2472	00	01	13		1250	00	05	13
	1699	00	00	11		1249	00	00	76
	1694	00	06	20		1247	00	01	52
	1695	00	00	10		1248	00	00	24
	1670	00	05	43		1209	00	06	18
	4158	00	03	06		1246	00	00	10
	4184	00	00	61		1244	00	00	17
	1669	00	03	37		1233	00	00	32
	1668	00	04	17		1232	00	01	19
	1681	00	06	92		1220	00	04	93
	1667	00	00	10		1219	00	01	01
	1684	00	01	35		1212	00	00	76
	1519	00	06	85		1211	00	00	32
	1518	00	00	19		1213	00	02	96
	1517	00	00	19		1214	00	02	97
	1516	00	00	21		1215	00	01	21
	1525	00	00	10		1216	00	04	17
	1515	00	00	10		1199	00	00	10
	1520	00	03	01		1201	00	03	11
	1521	00	02	68		1202	00	05	76
	1522	00	00	74		1203	00	03	19
	1523	00	03	46		1204	00	00	10
	1524	00	03	23		1430	00	01	31
	1532	00	00	47		1431	00	00	25
	1390	00	00	46		4105	00	03	55
	1533	00	02	26		975	00	14	20
	1534	00	01	78		4110	00	01	49
	1535	00	01	47		4114	00	05	60
	1536	00	01	48		970	00	18	66
	1389	00	02	45		961	00	03	66
	1388	00	01	67		4153	00	00	82
	1387	00	01	38		957	00	07	84
	1396	00	00	96		956	00	00	10
	1397	00	03	37		4115	00	02	10
	1398	00	03	71		955	00	02	62
	1404	00	03	04		953	00	09	13
	1403	00	00	10		82	00	08	28
	1408	00	03	83		83	00	03	90
	1409	00	02	47		87	00	05	77
	1271	00	00	93					

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
Kusupangi	4269	00	01	46	Chakuleswar	582	00	03	33
—Contd.	88	00	00	40	—Contd.	581	00	00	95
	89	00	01	86		587	00	00	82
	90	00	14	04		588	00	01	35
	80	00	50	90		612	00	01	48
	4160	00	01	76		611	00	07	59
	4084	00	11	56		613	00	03	85
	79	00	00	67		1336	00	04	85
	4022	00	09	08		1326	00	02	73
	78	00	00	10		614	00	01	33
	77	00	04	84		615	00	01	04
	76	00	26	47		628	00	01	30
	75	00	27	02		617	00	01	57
	73	00	11	34		604	00	01	57
Chakuleswar	277	00	03	55		618	00	02	88
	278	00	04	02		619	00	00	28
	289	00	05	61		620	00	02	21
	290	00	03	99		621	00	01	75
	291	00	06	17		706	00	02	79
	297	00	04	64		705	00	00	35
	296	00	03	37		714	00	00	84
	302	00	01	23		713	00	01	32
	304	00	15	97		717	00	01	24
	1378	00	02	73		716	00	01	23
	320	00	00	20		720	00	03	43
	319	00	01	46		721	00	01	81
	318	00	02	15		724	00	02	11
	317	00	05	35		725	00	03	66
	316	00	00	41		728	00	01	61
	315	00	03	96		729	00	02	08
	314	00	00	51		732	00	02	06
	331	00	00	24		733	00	01	75
	313	00	00	43		736	00	03	53
	342	00	11	46		737	00	04	12
	332	00	00	10		744	00	01	25
	341	00	01	46		745	00	01	20
	343	00	04	02		746	00	02	52
	344	00	08	35		748	00	01	46
	347	00	01	40		749	00	01	02
	1439	00	00	29		751	00	02	00
	346	00	05	25		752	00	02	18
	583	00	03	36		753	00	00	70

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
Chakuleswar	809	00	08	96	Pathapur	386	00	03	58
—Contd.	810	00	06	64	—Contd.	387	00	03	08
	808	00	05	77		389	00	00	10
	818	00	00	10		388	00	01	88
	807	00	01	26		391	00	00	20
	819	00	00	68		390	00	02	72
	820	00	06	37		396	00	00	94
	1292	00	06	62		397	00	05	47
	1291	00	12	55		395	00	05	75
	1290	00	05	56		394	00	05	85
	1289	00	00	71		1090	00	04	00
	1287	00	11	87		1100	00	00	10
Pathapur	405	00	03	22		1101	00	03	40
	403	00	06	21		1102	00	00	10
	416	00	00	99		1093	00	00	30
	417	00	01	03		1094	00	04	70
	418	00	01	43		1099	00	00	20
	488	00	00	35		1098	00	00	47
	489	00	06	72		1097	00	00	81
	478	00	00	10		1096	00	01	45
	490	00	22	51		1095	00	07	65
	639	00	02	23		1125	00	06	79
	640	00	02	32		1131	00	00	20
	641	00	02	32		1130	00	00	80
	642	00	02	18		1127	00	00	45
	643	00	02	00		1128	00	06	60
	647	00	06	10		1129	00	00	25
	648	00	00	22		1136	00	01	83
	649	00	06	92		1137	00	01	07
	650	00	01	54		1173	00	04	63
	651	00	01	77		1169	00	02	21
	652	00	00	10		1170	00	02	80
	654	00	08	47		1171	00	01	03
	655	00	00	39		1165	00	18	00
	402	00	01	77		1166	00	04	63
	401	00	02	92		1163	00	07	89
	400	00	03	16		3148	00	15	65
	381	00	0-	20		3112	00	00	10
	382	00	04	52					
	383	00	04	52	Mahanadi	41	01	08	85
	384	00	03	85					
	385	00	07	58					

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 10 दिसम्बर, 2009

का.आ. 102.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन ऑयल कार्पोरेशन लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. 1, चंडीगढ़ के पंचाट (संदर्भ संख्या 116/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-12-2009 को प्राप्त हुआ था।

[सं. एल-30012/25/93-आईआर(सी-1)]

स्नेह लता जवास्, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 10th December, 2009

S.O. 102.—In Pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.116/94) of the Central Government Industrial Tribunal/ Labour Court, No.1, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Indian Oil Corporation Ltd. and their workman, which was received by the Central Government on 10-12-2009.

[No. L-30012/25/93-IR (C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
No. 1, CHANDIGARH**

Case No:- ID No. 116/94

Shri Sunil Kumar S/o Shri Nanu Ram, New Bakra Market,
Cross Road - 12, Ambala Cantt.

... Applicant

Versus

The Manager, TM, Indian Oil Corporation Ltd., Depot,
Ambala Cantt.

... Respondent

APPARANCES

For the Workman : Sri R. P. Rana

For the Management : Sri P. S. Saini

AWARD

Passed on:- 24-11-09

Government of India vide notification No. L-30012/
25/93-IR (Misc.)C-I, dated 31-8-94 referred the following

industrial dispute under Section 10 of the Industrial Disputes Act, 1947 (the Act in short) for adjudication to this Tribunal :—

“Whether the action of the management of Indian Oil Corporation Ltd. Ambala Cantt. in terminating the services of Shri Sunil Kumar, Workman w.e.f 11-10-89 is justified? If not, what benefits is he entitled and from what date?”

After receiving the reference, parties were summoned: Parties appeared and filed their respective pleadings. It is the contention of the workman that he was employed as a Sweeper at Rail Head Depot under respondent no.2, The Manager (TM), Indian Oil Depot, Indian Oil Corporation, Ambala Cantt. in the month of June, 1985 at monthly salary of Rs. 150. Management terminated his services without notice, or one month wages in lieu of notice and retrenchment compensation on 11-10-89. He has completed 240 days of work from the date of his termination. On the above contentions, the workman has prayed for setting aside the termination order and for an order reinstating him into the services with full back wages and other consequential benefits.

Management of Indian Oil Corporation appeared and contest the claim of the workman. In its written statement the employer-employee relationship has been challenged by the management. It is contended by the management that workman was engaged on contract for a fixed term for sweeping. The wages so fixed were paid to him by the management. It is also contended by the management that workman has voluntarily surrendered his services and his services were not terminated. As he was not the employee of the management there was no question for terminating his services by Indian Oil Corporation.

Both of the parties were afforded the opportunity for adducing evidence. Workman filed his affidavit in support of his contention and claim and was cross-examined by learned counsel for the management. Likewise, Shri Stephan Ekka filed the affidavit on behalf of the management and the same was cross-examined by learned counsel for the workman. Workman filed certain documents. Letter dated 10-7-89 written by the workman to the Manager, TM, Indian Oil Depot, Ambala Cantt. which is marked as Ex. W2. The bill for the month of October and November of Rs. 300 paid to and signed by Sunil Kumar which is marked as Ex. PW3. Another bill dated 10-1-89 of Rs. 150 for the month of December 1988 paid to and signed by Shri Sunil Kumar which is marked as PW4. PW5 to PW 11 are also the copies of receipts/bills for payment of wages for different months which are signed by Shri Sunil Kumar. Every bill is also counter signed with endorsement ‘cancelled’ by Indian Oil Corporation.

I have heard the parties at length and perused all the documents on record. It is not denied by the management

that workman has not completed 240 days of work in the preceding year from the date of his termination. It is only contended that workman was working on contract for the fixed wages of Rs. 150 per month. The workman by his evidence has proved that he was engaged for sweeping work at the rate of Rs. 150 per month. Application W2 dated 10-7-89 which was received by the management on 11-7-89 speaks itself that workman was not working on contract or through a contractor. He was directly working under the administrative control of the management. The wages were also made good by the management directly to the workman. The receipts of payment which are on record also shows that payment was made good by the management of Indian Oil Corporation to the workman at the rate of Rs. 150 per month.

Thus, on perusal of the entire materials on record, it is evidently clear that workman was directly appointed by the respondent No. 2. He was paid the wages by the management and he was well under the administrative control of the management. A garlanding plea has been taken by the management without production of any document that workman was working on a contract.

The management has contended that workman himself surrendered his services, whereas, workman had denied it. Ex. W2 letter dated 10-7-89 makes it clear that workman approached the management for increasing his salary and to regularize his services. His services were terminated on 11-10-89. Right from the day the services of the workman were terminated. He was trying to get the work from the management. On perusal of the evidence, it is clear that the workman has not surrendered his employment but he was not permitted to work by the management.

The workman was working on monthly wages. As stated earlier, it is not the contention of the management that workman has not completed 240 days of work. Accordingly, this Tribunal has no hesitation to hold the contention of the workman that he has completed 240 days of work with the management in the preceding year from the date of his termination is true.

Admittedly, no notice was issued to the workman nor he was paid any retrenchment compensation. It makes the termination of the services of the workman illegal and void being against the provisions of the Act.

Whenever the termination order has been held to be void and illegal, there are two possible remedies available. The first remedy is reinstatement of the workman into the services on the same position from which his services were terminated and another remedy is a reasonable compensation. It is the settled principle of service jurisprudence that priority should be given for the first option meaning thereby, services of the workman should

be reinstated with or without back wages as the circumstances requires. In exceptional cases, the workman may be compensated with reasonable compensation. The exceptional cases, may be where there is no work available with the management, there is no post lying vacant etc. In such cases, the workman can be compensation with a reasonable amount of compensation. In this case the management has informed this Tribunal that another person is working at his place and there is no place available for the workman. Under such circumstances, I am of the view that a reasonable compensation will meet the ends of justice.

The compensation to be awarded to the workman should be based on the reasonable criteria. The factors which constitute the reasonable criteria are the wages the workman was getting at the time of his termination, retrenchment compensation, one month wages in lieu of the notice, interest thereon, depreciation in money, inflation, judicial life of the case, cost of litigation etc. After considering all these factors, I am of the view that a compensation of Rs. 1,50,000 (one lakhs fifty thousand only) will meet the ends of justice. Accordingly, the management is directed to pay/deposited in the Tribunal an amount of Rs. 1,50,000 within one month from the date of passing the award. It is hereby made clear that if amount is given/paid within one month as directed, the management need not to pay any interest failing which the workman will be entitled for an interest at the rate of 8 per cent per annum from the date of filing the petition till final payment. Let Central Government be informed for publication of award, and thereafter, file be consigned to record room.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 11 दिसम्बर, 2009

का.आ. 103.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. 1, चंडीगढ़ के पंचाट (संदर्भ संख्या 191/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-12-2009 को प्राप्त हुआ था।

[सं. एल-12012/397/96- आईआर(बी-11)]

यू. एस. पाण्डेय, अनुभाग अधिकारी

New Delhi, the 11th December, 2009

S.O. 103.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 191/97) of the Central Government Industrial Tribunal/ Labour Court No.1, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employees in relation

to the management of Punjab National Bank and their workman, which was received by the Central Government on 10-12-2009.

[No. L-12012/397/96-IR (B-II)]

U. S. PANDEY, Section Officer

ANNEXURE

**BEFORE SHRI GYANENDRAKUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No: ID No. 191/97

Shri Randhir Singh C/o Tek Chand Sharma, 25 Sant Nagar,
Civil Lines, Ludhiana.

... Applicant

Versus

The Zonal Manager, Punjab National Bank, Zonal Office,
Feroze Gandhi Market, Ludhiana

... Respondent

APPEARANCES

For the workman : None

For the management : Sri N. K. Zakhmi

AWARD

Passed on: 2-12-09

Government of India vide notification No. L-12012/397/96-IR (B-II) dated 22-10-97 referred the following industrial dispute under Section 10 of the Industrial Disputes Act, 1947 ('the Act' in short) for adjudication to this Tribunal :—

"Whether the action of the management of Punjab National Bank in terminating the services of Shri Randhir Singh w.e.f 25-1-95 is legal and justified? If not, to what relief the said workman is entitled?"

After receiving the reference, parties were informed. Parties appeared and filed their respective pleadings. The management has also provided with complete record of enquiry. This Tribunal as per law, heard the parties on fairness of enquiry. A detailed order was passed by this Tribunal on 13-10-09 holding the enquiry fair, proper and according to the principle of natural justice. However, parties were afforded the opportunity for adducing evidence on decision making of the enquiry officer and the disciplinary authority, if any, and on quantum of punishment. On 23-10-09 notices were issued to both of the parties informing them to adduce evidence before this Tribunal on 9-11-2009. The management of the bank appeared but workman failed to appear. It is hereby made clear that learned counsel for the workman Shri T. C. Sharma

has requested a date for Monday. Considering this fact Monday i.e. 9-11-2009 was fixed for recording evidence on decision making (perversity, if any) of enquiry officer, disciplinary authority and on quantum of punishment. But neither, workman nor learned counsel for the workman appears on 9-11-09. This Tribunal passed a detailed order closing the opportunity for adducing evidence. Considering the judicial life of the case, opportunity was given to the parties to argue the case on 16-11-09. For ends of justice, one more opportunity was given to the workman to appear and to argue the case on 1-12-09. The workman has not availed this opportunity. Accordingly, arguments of the management on decision making of the enquiry officer and on quantum of punishment were heard.

I have gone through the entire materials on record. The workman was charge-sheeted for embezzlement of Rs. 32,500. On perusal of the enquiry proceedings and enquiry proceeding, it is clear that the workman not only admitted the charge but also deposited the amount of Rs. 32,500 in question. On perusal of entire proceedings and enquiry report, I am unable to see any perversity or biasedness on behalf of the enquiry officer. The enquiry officer, after perusing all the materials on record and considering the admission of workman coupled the act of depositing an amount of Rs. 32,500 rightly hold the charges proved against the workman. I am unable to make any interfere in findings of the enquiry officer. Likewise, the disciplinary authority after affording the proper opportunity of being heard awarded the punishment. The proved misconduct is the embezzlement of Rs. 32,500, the public money from the bank. The punishment awarded is termination of the services of the workman. The punishment awarded is, in my view, proportionate to the committed misconduct. No interference in the disciplinary proceedings is also required by this Tribunal. Accordingly, this reference is answered positively that workman has rightly been terminated from the services of the bank. The workman is not entitled for any relief. Let Central Government be approached for publication of award, and thereafter, file be consigned to record room.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 11 दिसम्बर, 2009

का.आ. 104.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केंद्र बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. 1, चंडीगढ़ के पंचाट (संदर्भ संख्या 106/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-12-2009 को प्राप्त हुआ था।

[सं. एल-12012/121/93-आईआर(बी-11)]

यू. एस. पाण्डेय, अनुभाग अधिकारी

New Delhi, the 11th December, 2009

S.O. 104.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.106/93) of the Central Government Industrial Tribunal/ Labour Court No.I, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Canara Bank and their workman, which was received by the Central Government on 10-12-2009.

[No. I-12012/121/93-IR (B-II)]

U. S. PANDEY, Section Officer

ANNEXURE

BEFORE SHRIGYANENDRAKUMARSHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH

Case No: ID No. 106/93

Shri Arun Ghai, Central Committee Member, Canara Bank Staff Union, B-XI, 1662, Rari Mohalla, Ludhiana-141001

... Applicant

Versus

The Deputy General Manager, Canara Bank, Circle Office, Sector-34, Chandigarh- 160034

... Respondent

APPEARANCES

For the workman : Sri T. C. Sharma

For the management : Sri Ashok Jagga

AWARD

Passed on : 2-12-09

Government of India vide notification No. I-12012/121/93-IR (B-II) dated 2-9-93 referred the following industrial dispute under Section 10 of the Industrial Disputes Act, 1947 ('the Act' in short) for adjudication to this Tribunal:—

“Whether the claim of Canara Bank Staff Union, Ludhiana that Shri S. S. Gulati was a “workman” as defined under the Industrial Disputes Act and is eligible for availing the legal remedies available under the Industrial Disputes Act is correct? If so, whether the action of the management of Canara Bank in dismissing Shri S. S. Gulati from the services of the Bank is justified? What relief, if any, Shri Gulati is entitled to?”

After receiving the reference, both of the parties were informed. Parties appeared and filed their respective pleadings. Both of the parties were also afforded the opportunity for adducing evidence. Evidence of both of the parties was recorded. Entire enquiry file and the file regarding the disciplinary authority proceedings are on record.

The main issues before this Tribunal are : -

(1) Whether the petitioner is a workman under the Industrial Disputes Act?

(2) If yes, whether his dismissal from the services is justified?

On issue No. 1, the Tribunal has not to consider only his designation but the work entrusted to and duties discharged by him. During the period in question, the workman was working as cashier. There is no dispute on this issue that he was working as a cashier and there was no managerial duties entrusted to him. For considering the definition of the workman, it is to be seen by this Tribunal, whether the person concerned was entrusted the managerial and supervisory responsibilities? After going through all the materials including the oral and documentary evidence, I am of the view that during the period in question, the workman was working as a cashier and the management has failed to prove that he was discharging the responsibility of Manager. Meaning thereby, supervisory and managerial nature of work has not been proved by the management. Accordingly, I am of the view that Shri Surjit Singh Gulati was workman for the purpose of this reference under Industrial Disputes Act.

The next issue is whether his dismissal from the services was justified. The so-called misconduct for which the enquiry was conducted was admitted by the workman before enquiry officer. It was not only admitted but the reason for committing embezzlement in public funds was also given. He has also deposited the amount in the bank. In this reference, the workman has only challenged the legality of his confessional statement and deposition of amount. As per the contention of the workman he has confessed under duress and has deposited the amount under threat of losing his job. The details and nature of threat, if any, has not been proved by the workman. On perusal of entire evidence on record, it is evident that workman admitted for misappropriating the funds as follows :

(Debit Entries)

Date	Amount (Rs.)
1. 27-2-84	10,000
2. 2-5-84	10,000
3. 4-5-84	5,000

4. 3-7-84	5,000
5. 12-2-85	10,000

(Credit Entries)

Date	Amount
1. 27-12-84	7,600
2. 21-2-85	5,000
3. 1-3-85	3,000

He has also admitted that deposition of amount as follows:-

Date	Amount
1. 2-7-85	40,000
2. 3-7-85	20,000

In his admission he has not only stated that he admitted freely without any pressure but has also stated the deposition of amount free of any duress. He has also mentioned the reasons for misappropriation of funds.

Under such circumstances, when the workman has admitted all the charges leveled against him and in consequent to admission of charge also deposited the amount in the bank, it is not open for the workman to claim that enquiry was not properly conducted. The enquiry officer rightly on the basis of the detailed confessional statement of the workman and his act of depositing amount, has given the enquiry report. I am unable to trace out any cause for interference in the enquiry report and the findings of the enquiry officer.

The workman was afforded the proper opportunity of being heard before the punishment. The punishment awarded to the workman in my view is in proportionate to the committed misconduct and this part of this reference does not require any interference.

Accordingly, I am of the view that Shri Surjit Singh Gulati is a workman and his dismissal from the services by the bank is legal and justified. No interference in enquiry report or the disciplinary proceedings is called for. The reference is accordingly answered. Let Central Government be approached for publication of award, and thereafter, file be consigned to record room.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 11 दिसम्बर, 2009

का.आ. 105.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चेन्नई पोर्ट ट्रस्ट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (संदर्भ संख्या 7/2008)

को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-12-2009 को प्राप्त हुआ था।

[सं. एल-33012/3/2007-आई.आर. (बी-II)]

यू. एस. पाण्डेय, अनुभाग अधिकारी

New Delhi, the 11th December, 2009

S.O. 105.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 7/2008) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Chennai Port Trust and their workman, which was received by the Central Government on 10-12-2009.

[No. L-33012/3/2007-IR (B-II)]

U. S. PANDEY, Section Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
CHENNAI**

Monday, the 30th November, 2009

Present: A. N. Janardanan, Presiding Officer

Industrial Dispute No. 7/2008

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Madras Dock Labour Board (C&F) and their Workman)

BETWEEN

Sri. P. Varadhan

1st Party/Petitioner

Vs.

The Chairman : II Party/Management
Madras Dock Labour Board (C&F)
No.1, Rajaji Salai, Chennai Port Trust
Chennai-600001

APPEARANCE

For the 1st Party Petitioner : M/s. K. V. Krishnaswami

For the 2nd Party/ Management : Sri Dharanichander

AWARD

The Central Government, Ministry of Labour vide its Order No. L-33012/3/2007-IR(B-II) dated 1-2-2008 referred the following Industrial Disputes to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether the refusal of Madras Dock Labour Board, Chennai for alteration of Date of Birth of Shri P. Varadhan, ex-Mazdoor, Madras dock Labour Board, Chennai is fair legal and justified? If not, to what relief Shri P. Varadhan is entitled to?”

2. After the receipt of Industrial Dispute, this Tribunal has numbered it as I.D. 7/2008 and issued notices to both sides. Both sides entered appearance through their Advocates and filed their Claim, Counter and rejoinder Statement as the case may be.

3. A summary of the claim statement is as follows :

The petitioner while was a Mazdoor under the Respondent ever since from 1972 and regularized in 1988 was terminated on 1-7-2001. At the time of his initial appointment no age proof had been demanded by the Respondent which was demanded for in 1988. He could produce the Age certificate only on 28-12-1997 since he had to obtain it from a far off place. In the meantime the Respondent got his age fixed as 45 years as on 10-5-1988 under medical reference whereas his actual Date of Birth is 5-7-1950 and he was aged only 38 years in 1988. The Respondent refused to change the date of birth erroneously fixed in spite of several representations. His Birth Certificate produced was also refused to be considered. As per the correct date of birth his retirement has to be only in 2010 at the age of 60 years but he is wrongly terminated on 1-7-2001 depriving him 9 years of valuable service. Under a wrong advice, Civil Suit filed as O.S. 3090/2001 at Chennai was dismissed on 30-1-2006. Hence the delay in raising this dispute with the claim for setting aside his termination and for reinstatement into service with all attendant benefits.

4. In the Counter statement, contentions raised briefly read as follows :

At the time of regularization, the petitioner failed to produce his Birth Certificate and, therefore, his age was got assessed by the Medical Board as 45 years as on 10-5-1988 which the petitioner accepted as his age. The said age was recorded in all the records fixing his retirement age as 30-6-2001. He had been informed that under no circumstances his age will be altered later even if relevant documents are submitted. The petitioner's representation at the fag end of retirement to alter the Date of Birth was rejected on 6-12-2000 and he was informed accordingly further informing that request for alteration of Date of Birth is to be submitted within 5 years of regular service. The petitioner cannot blame the administration for his own fault as an afterthought. There is no illegal termination of petitioner's service. The Claim Petition is only to be dismissed.

5. In the Rejoinder the further contentions over and above those raised in the Claim Statement by way of repetition briefly read as follows :

The petitioner is a Harijan (SC). He did not have any knowledge regarding service procedures. His effort to obtain a School Certificate from a remote village could not materialize and he was informed that it being an instance of 24 years old, some time would be taken to locate the records. He could get Certificate only on 10-12-1997. In the meantime, his age had been fixed at 45 years by the Respondent. The Respondent was not satisfied with the School Certificate and he was further asked to produce Birth Certificate which he could get only on 16-3-1998 from Corporation of Chennai but no action was taken to change the Date of Birth for a long time in spite of efforts by himself and that by Trade Union. His representation dated 27-6-2000 was not responded to. There was also no response to a legal notice at his instance or to the reminder. Though he was called for enquiry on two occasions, it was never conducted. Against the list of persons due to retire on 1-7-2001 issued by the Respondent, though representation was made by the Union, he was only made to retire on 1-7-2001. Hence the prayer.

Points for consideration are :

- (i) Whether the refusal of the Respondent to alter the Date of Birth of the petitioner is fair, legal and justified ?
- (ii) To what relief the concerned workman is entitled ?

6. On the side of the petitioner, Ex.W1 and Ex.W2 and on the side of the Respondent Ex.M1 to Ex.M6 were marked, all on consent. No oral evidence was adduced on either side.

Points 1 and 2

7. This is a case of a petitioner whose request for alteration of his age was not allowed by the Respondent/ Management in the wake of which he was made to retire on 1-7-2001. According to the petitioner, he entered service in 1972 as Mazdoor. When he was regularized in 1988 in proof of age the Respondent placing reliance on the report of the Medical Board fixed it as 45 years as on 10-5-1988 while his actual Date of Birth is 5-7-1950 and his actual age in 1988 is 38 years. Admittedly he produced his Age Certificate from school only on 28-12-1997. The petitioner has mentioned about his hard hit position to obtain it earlier and produce it by mentioning the difficulty to locate it by school authorities being an instance of remote past of long antiquity. Again the school in which he had studied was also located at a far off place. According to the petitioner, the Respondent wanted him to produce a Birth Certificate also when he filed the certificate from the school. The Birth Certificate he could manage to get only on 16-3-1998 from the Corporation of Chennai. According to the Respondent, the petitioner had accepted his age fixed by

the Medical Board as 45 years and the said age was recorded in all the records fixing his retirement age as 30-6-2001. Further according to the Respondent at that time, the petitioner had been informed that under no circumstances his age will be altered even if relevant documents are submitted. Again he was informed as to the position of rule that request for alteration of Date of Birth is to be submitted within 5 years of regular service. Ex.W1, copy of Birth Certificate and Ex.W2 copy of record sheet issued from school show the Date of Birth of the petitioner as 5-7-1950. Ex.W1 is dated 16-3-1998 and Ex.W2 is dated 10-12-1997. As per these documents, the petitioner's date of birth is 5-7-1950 and according to the petitioner when that age is taken into account, he is due to retire only in the year 2010 at the age of 60 as his superannuation age. The failure of the petitioner to produce such certificates at the time of his regularization in 1988 had thereupon entailed in his age being fixed by a Medical Board according to which the petitioner was aged 45 years in 1988. At the relevant time, the petitioner is understood to have been informed that his age will not be allowed to be changed and hereafter even if he produced any relevant documents. One should not lose sight of the rule that a person may be entitled to produce proof for the alteration of his age within 5 years of his regularization. In that case the petitioner could have been permitted to produce documents to alter his age at least by 1993 within which under the rule one is permitted to produce documents to change the Date of Birth. There is no reason why in spite of such a rule favourable to the petitioner being there, the petitioner was asked even in 1988 that he shall not be permitted to file any documents to change his age even if he produces relevant documents. Such of the stand of the Respondent is quite illegal, arbitrary and against the principles of natural justice. For the mere reason that he was not in a position to produce documents proving his correct age at the time of regularization in 1988 and, therefore, the Management had to depend upon the report of the Medical Board then does it mean that at a later point of time within the above period limited by time he cannot be permitted at all to produce relevant documents and get his age changed in the event of the earlier one recorded with reference to the Medical Report is wrong? The direction given by the Respondent restraining the petitioner from producing the documents is quite arbitrary, unjust and illegal. Later on when the petitioner managed to produce documents to prove his age which when recorded will be of advantage to him in his career prolonging his superannuation age quite extending for a considerable period does it mean that the petitioner's entitlement to that is to be arbitrarily refused? The petitioner has given valid explanation as to why he could not produce relevant documents in time. When he filed the records from the school showing his date of birth as 5-7-1950, there was further demand from the Respondent to produce Birth

Certificate from the Corporation of Chennai. The petitioner complied with the said requisition also. Even thereafter the Respondent has not been prepared to consider the request of the petitioner to alter his age and allow him to enjoy the extended benefit of prolongation of service as well as his retirement on superannuation. When the Respondent demanded the petitioner to produce the Birth Certificate from the local body over and above the School Certificate and when the same also was produced by the petitioner before the authority, it is not lawful for the Respondent to deny the petitioner's right to have his age altered in the records and to extend him the benefit of extended service and extended superannuation. The requisition of the Respondent to produce the second Birth Certificate when the petitioner produced the first School certificate is one capable of instilling in the mind of the petitioner a legitimate expectation of his claim being considered in his favour provided the certificates are proved bonafides. The refusal of the Respondent to consider them is totally unjust and arbitrary and against the principles of natural justice. Though there is a rule or the semblance of a rule which postulates that for alteration of the age the application should be filed within 5 years of the regularization, it cannot be understood as an invariably inviolable rule in all situations especially in the case of adjudication in the Industrial and Labour field. Here the petitioner had been enthusiastic in procuring certificates or documents which would exactly show his Date of Birth though initially he failed at the time of regularization of his service. The petitioner discernibly is not a person who has slept over his right for a long time to deny the remedy to him. According to the petitioner, he is entitled to retire in 2010 at the age of 60 which has not been challenged by the Respondent by reason of the documents proving his Date of Birth as 5-7-1950, he is entitled to continue till the year 2010 and retire accordingly. In order to entitle the petitioner for the alteration of his Date of Birth what are required according to the decisions of the Apex Court are that the petitioner should be able to produce genuine and exact proof of his age and he shall also apply within a reasonable time. In the case on hand, it could be seen that the petitioner has been zealously taking steps to procure certificates in proof of his age and produce them before the authorities but in spite of that they have not been prepared to consider them. When the Date of Birth of the petitioner as found in Ex.W1 and Ex.W2 are accepted it could be found that at the time of his leaving the school, he was within the age range at which he could be qualified to be a student. Therefore, the action of the Respondent is illegal, unjust, arbitrary and against the principles of natural justice. Hence the petitioner is entitled to have his age altered on his production of originals of Ex.W1 and Ex.W2 to the authorities and on their satisfaction they can be acted upon safely, they should allow the age of the petitioner to be

altered accordingly and allow him to continue in service accordingly as his retirement is 58 years or 60 as the case may be. If there is no vacancy to accommodate him without doing any prejudice to his juniors or anybody, waiting in a list to be employed from it in a vacancy against which the petitioner may not have to be adjusted, he shall be allowed to enjoy his service benefits as though he continued in service and the retiral benefits as well. The petitioner is entitled to the above reliefs and the Respondent is directed to provide all the benefits to him within one month.

16. The reference is answered accordingly.

(Dictated to the P.A. transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th November, 2009)

A. N. JANARDANAN, Presiding Officer

Witnesses Examined:—

For the 1st Party/Petitioner :

None

For the 2nd Party/Management :

None

Documents Marked :—

From the Petitioner's side

Ex.No.	Date	Description
Ex.W1		Birth Certificate issued by the Corporation of Chennai
Ex.W2		Mark Sheet of the petitioner issued by the Headmaster of School.

From the Management side :

Ex.No.	Date	Description
Ex.M1	10-8-1988	Medical Board Certificate
Ex.M2	13-2-1990	Letter from 2nd Party to the 1st Party
Ex.M3	16-2-2001	Letter from the 2nd Party to the 1st Party
Ex.M4	30-1-2006	Degree passed by the II, Asstt. City Civil Court in O.S. No. 3090 of 2001
Ex.M5		Copy of extract of chapter 58 of from Swamy's -Establishment and Admn. reg. clause on Declaration of Date of Birth
Ex.M6		Copy of the Minutes of the meeting held in CPT Board Room containing appoint-

ment of Trustees on the Chennai Port Trust Board with effect from 1-4-2008

नई दिल्ली, 11 दिसम्बर, 2009

का.आ. 106.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूको बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 239/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-12-2009 को प्राप्त हुआ था।

[सं. एल-12012/300/96-आईआर(बी-II)]

यू. एस. पाण्डेय, अनुभाग अधिकारी

New Delhi, the 11th December, 2009

S.O. 106.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.239/97) of the Central Government Industrial Tribunal/Labour Court, Jabalpur now as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of UCO Bank and their workman, which was received by the Central Government on 10-12-2009.

[No. I-12012/300/96-IR (B-II)]

U. S. PANDEY, Section Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR**

NO. CGIT/LC/R/239/97

Presiding Officer : SHRI MOHD. SHAKIR HASAN

Shri Prakash Srivastava,
Bloak No. E/10,
Sector-VI, State Bank Colony,
Bhilai Nagar, Durg Distt.
Chhattisgarh

... Workman/Union

Versus

The Sr. Manager,
UCO Bank, Civic Centre,
Bhilai, Durg Distt.
Chhattisgarh

... Management

AWARD

Passed on this 19th day of November, 2009

The Government of India, Ministry of Labour vide its Notification No. L-12012/300/96-IR(B-II) dated 6/14-8-97 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the management of UCO Bank, Bhilai in not empanelling and absorbing Shri Prakash Srivastava as permanent employee, in terms of Memorandum of Settlement dated 12-10-89 is lawful and justified? If not to what relief the workman is entitled to?”

2. The case of the workman in short is that the workman was working as Messenger in the non-applicant Bank w.e.f. 1986 to 1988 and worked for more than 291 days during the period of three years. He had worked continuously for more than 240 days in a calendar year before termination. It is further stated that he was not allowed to work from January 1991. He was terminated without complying the provision of Sec-25F of the Industrial Dispute Act, 1947. After his termination, Bhola Yadu and Papa Rao were engaged by the management. It is stated that the bank entered into a settlement with the employers Federation and Associations on 19-10-89 whereby the workman was within the eligibility criteria for absorption but he had not been engaged in view of the settlement. The action of the management/non-applicant in not absorbing and impanelling him as a permanent employee is against the memorandum of settlement dated 19-10-89. Similarly situated persons Shri Tarun Kumar Yadav and Kanhaiya were subsequently regularized by the non-applicant by giving them the benefit of settlement dated 19-10-89. On these ground, the reference be answered in favour of the workman.

3. The non-applicant/management appeared and filed reply to the statement of claim. The case of the management, inter alia, is that there is no post of messenger in the Bank. It is denied that the workman had worked for 240 days in a calendar year rather he worked as casual labour on exigencies from 1986 to 1988 for only 237 days as in Annexure R-I. It is stated that there was no work for casual labour as such he was not engaged after 1989 and no one was engaged thereafter as casual labour. The workman was not fulfilling the eligibility criteria of the settlement dated 19-10-1989. The workman is said to have not made any application to the Branch or Divisional office on or before 30-11-89 which was the cut out date for submitting application of the daily wager. There is no discrimination or malafide action of the non-applicant. Hence the workman is not entitled to any relief.

4. The issue for consideration is as to whether the action of the management in not empanelling or absorbing Shri Prakash Srivastava in terms of settlement dated 12-10-89 is lawful and justified?

5. The workman has examined oral evidence and has filed photocopies of the documents. Before discussing oral evidence, let us examine the settlement dated 12-10-89. In fact the settlement is dated 19-10-89 instead of 12-10-89 which is filed by the workman (Annexure W/3). The said

settlement is also relied by the management. As such it is an admitted document. This settlement is for empanelment and absorption of persons engaged on daily wage basis. The workman has stated that he had worked more than 240 days during the period of three years. The workman has referred Para-2(a) and 2(b) of the settlement dated 19-10-89. It runs as follows-

“2. Eligibility Criteria:

- a. Only persons who have been engaged as casual worker for full day's work and who have been discharging any of the normal duties in the Bank in the subordinate cadre as casual workers for a period 240 days or more with or without interruption during the period of 3 years immediately preceding this settlement. However, those who have been engaged as water boy on daily wage would not be eligible for being considered for absorption under this settlement.
- b. For the purpose of computing 240 days holidays and Sundays in a week would be included if such person has been engaged for the rest of the days in the said week.”

This settlement shows that if the casual worker was employed for a period of 240 days or more with or without interruption during the period of three years immediately preceding the settlement, he would consider to be eligible for empanelment and absorption.

6. The learned counsel for the management has argued that there was a cut out date for filing application by the workman. The management has referred Para 3(a) of the said settlement which runs as follows:—

“3. Procedure for absorption:

- a. Persons entitled for being absorbed in terms of this settlement shall apply to the Competent Authority in a prescribed manner on or before 30th November 1989. On receipt of such applications, the particulars would be verified to satisfy that he meets the necessary eligibility criteria.”

Now the evidence is to be examined in the light of the clauses of the settlement for determination as to whether the workman is entitled for empanelment or absorption. The workman Shri Prakash Srivastava has stated in his evidence that he was appointed on daily wages on 5-10-86 and had worked more than 240 days in a calendar year. The documents annexure W/1 and W/2 are filed by him. Annexure W/1 is the reply of the management before the Asstt. Labour Commissioner (Central), Raipur. This reply shows that from 1986 to 1988 the workman had worked for 252 days. Annexure W/2 shows that in computing with holidays and Sundays, the days come to 291 days. This shows that he had worked more than 240 days in terms of the settlement dated 19-10-89.

7. Now the another important point is that as to whether he had filed an application for empanelment or absorption within the cut out date on or before 30-11-89. The workman Shri Parkash Srivastava has not stated in his evidence that he had filed any application in the light of the settlement. One workman has also not filed any document to show that he had filed application within the time. It is clear that no application was filed within the cut out date as provided in clause 3(a) of the settlement dated 19-10-89. This shows that on expiry of the cut out date for filing application, the workman is not entitled to avail the benefit of the said settlement.

8. The management has examined Shri A. K. Sood who was Senior Manager, UCO Bank, Krishna Branch, Adhartal Branch, Jabalpur. He has stated that the workman never made any application as required under circular No. CHO/PAS/89 of 19-10-89. In cross-examination, this witness is not ever suggested that the workman had made application as per the settlement. This shows that no application was filed by the workman before the management Bank within cut out period and chapter for empanelment or absorption was closed thereafter. This clearly shows that the worker is not entitled as per the settlement dated 19-10-89. Accordingly this reference is decided in favour of the management and against the workman/applicant.

9. In the result, the award is passed without costs.

10. Let the copies of the award be sent to the Government of India, Ministry of Labour and Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 11 दिसम्बर, 2009

का.आ. 107.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विजया बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, 2, मुम्बई के पंचाट (संदर्भ संख्या 2/93 आफ 2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-12-2009 को प्राप्त हुआ था।

[सं. एल-12011/83/2001-आईआर(बी-II)]

यू. एस. पाण्डेय, अनुभाग अधिकारी

New Delhi, the 11th December, 2009

S.O. 107.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/93 of 2001) of the Central Government Industrial Tribunal-2, Mumbai, now as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Vijaya Bank and their workman,

which was received by the Central Government on 10-12-2009.

[No. L-12011/83/2001-IR(B-II)]

U. S. PANDEY, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, AT MUMBAI

Present : A. A. LAD, Presiding Officer

Reference No. CGIT-2/93 of 2001

Employers in relation to the Management of Vijaya Bank
The General Manager
Vijaya Bank, Regional Office
1st floor, S.V. Road
Santacruz (W)
Mumbai-400 054.

AND

Their Workmen

The Regional Secretary
Vijaya Bank Employees' Association
27/9-B, Wadia Building
Cawasji Patel Street, Fort
Mumbai-400 001

APPEARANCE

For the Employer : Mr. R. S. Pai, Advocate

For the Workmen : Absent

Mumbai Dated: 6th November, 2009

AWARD

The Government of India Ministry of Labour by its Order No. L-12011/83/2001-IR(B-II) dated 27-7-2001 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following disputes to this Tribunal for adjudication :

“Whether the action of the management of Vijaya Bank to remove Shri M. B. Nikam from services of the Bank vide order dated 14-1-2000 is justified and proper? If not, then what relief the workman is entitled to?”

2. Notices were sent to second party repeatedly. Though second party appeared through advocate and filed claim statement, but unable to file affidavit in support of the claim statement. After waiting for long time for affidavit and looking that, second party is not pursuing matter, it is disposed of for want of prosecution. Hence the order:

ORDER

Reference is disposed of for want of prosecution.

Date: 6-11-2009

A. A. LAD, Presiding Officer

नई दिल्ली, 11 दिसम्बर, 2009

AWARD PART II

का.आ. 108.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-2, मुम्बई के पंचाट (संदर्भ संख्या 2/21 आफ 2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-12-2009 को प्राप्त हुआ था।

[सं. एल-12012/151/2000-आईआर(बी-II)]

यू. एस. पाण्डेय, अनुभाग अधिकारी

New Delhi, the 11th December, 2009

S.O. 108.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 2/21 of 2001) of the Central Government Industrial Tribunal-2, Mumbai now as shown in the Annexure, in the Industrial Dispute between the employees in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 10-12-2009.

[No. L-12012/151/2000-IR (B-II)]

U. S. PANDEY, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II AT MUMBAI****Present**

A.A. LAD, Presiding Officer

Reference No. CGIT-2/21 of 2001Employers in Relation to the Management of
Syndicate BankThe Deputy General Manager,
Syndicate Bank, Zonal Office,
Maker Towers, 'E' Cuffe Parade,
Colaba, Plot No. 85,
Mumbai-400 005

... First Party

ANDTheir Workman,
Kashinath K. Ovhal,
C/o. Dinesh M. Bhoir,
Nalini Niwas, New Ambarnath Village,
Vadawli, Badlapur-421 503.

... Second Party

APPEARANCEFor the Employer : Mr. R. N. Shah, Advocate
For the Workman : Mr. Vasant J. Amberkar,
Advocate

Date of reserving Award : 10-08-2009.

Date of Passing of Award : 10-11-2009.

The reference is sent to this Tribunal by the Under Secretary of the Government of India, Ministry of Labour by its Order No. L-12012/151/2000-IR(B-II) dated 6th February, 2001 in exercise of the powers conferred by Clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947, have referred the following Industrial Dispute to this Tribunal for adjudication :

“Whether the action of the management of Syndicate Bank, Mumbai by dismissing Shri Kashinath K. Ovhal from the services of the Bank is justified and proper? If not, then what relief the workman is entitled to?”

2. The Second Party workman raises the dispute regarding his dismissal of 1989, first raising it before Comptent Authority who sent it to this Tribunal for adjudication, by its letter dated 6th February, 2001, contending that, the charges levelled against him were vague and not to the point. Enquiry was not conducted properly. Charges were not proved against him. Opportunity was not given to him to participate in the enquiry. Haste was made by the Enquiry Officer. Enquiry Officer was bias and determined to convict the Second Party Workman. There was no evidence of any type before the Enquiry Officer of the concerned witnesses like M/s. Shakti Enterprises or Gaikwad. The allegations levelled against 2nd Party Workman were of vague nature since these were not proved and since there was no enquiry as expected. 1st Party cannot take such a drastic action of dismissal against Second Party Workman on this type of Inquiry and its finding. So it is prayed that, dismissal issued against Second Party by set aside with directions to 1st Party to reinstate him with benefits of back wages and continuity of service.

3. This claim of the 2nd Party is disputed by the 1st Party by filing exhaustive reply at Exhibit 10 containing 16 pages, initially denying the case of the 2nd Party, then giving explanation and again answering each point para wise of the 2nd Party taken in the Statement of Claim, as well as point wise and made out the case that, charges levelled against 2nd Party Workman were true and correct. Those were proved against him. Enquiry was conducted by following principles of natural justice. Full opportunity was given to the 2nd Party Workman. 2nd Party participated in the enquiry; cross examined the witnesses of the 1st Party. There was sufficient evidence against 2nd Party Workman before Inquiry Officer to answer those charges levelled against him and convict him. It is denied that, there was no evidence before the Inquiry Officer who gave finding against the 2nd Party. So it is submitted that, inquiry conducted be observed as just and proper and finding not perverse. It is submitted that, punishment given to 2nd Party is just and does not require and interference.

4. Rejoinder is filed by 2nd Party at Exhibit 11 stating and contending that, he has taken amount from one Karadkar assuring him that, the said amount will be returned to him or deposited in his Bank account on his name and at

the material time he could not return the amount to Karadkar but he deposited the said amount and later on Karadkar withdrew the said amount from the Bank. It is contended that, copies of the documents are annexed separately. It is further stated that, as regards charge of taking amount from Shri Gaikwad by 2nd Party is concerned, is totally false and frivolous allegation levelled against him. It is not proved against him. It is further stated that, as regards charge of taking second stage of housing loan from 1st Party for repairing and decorating his house is concerned, the said amount was sanctioned by the Bank but 2nd Party unable to utilize it since there was increase in cost of material to repair and decorate the house and as such, he was unable to utilize the said amount for the said purpose only. It is stated that, amount was sanctioned by the Bank which was legal one and for that Bank cannot blame 2nd Party Workman. It is further stated that, the charges levelled against him are denied by him and those are not proved. It is stated that, since amount of Karadkar was returned to Shri Karadkar and since Karadkar withdrew the said amount from the Bank no charge on that can be levelled and treated proved against him. It is further stated that, the amount sanctioned to him of Rs. 20,360 was sent to the Contractor to whom the work was given. However, said Contractor unable to carry out the work of repairs and to decorate the house, due to rise in the cost of material and as such, he cannot be held responsible for the same. So it is submitted that, the charges levelled against him are baseless and the punishment imposed upon him is harsh and disproportionate to the charges levelled against him.

5. In view of the above pleading issues were framed by Ld. Predecessor at Exhibit 12. Out of those, Issues No 1 and 2 were treated as preliminary issues and now Issues Nos. 3 and 4 which were framed are now taken up for consideration which I answer as under :

Issues	Findings
3. Whether the action of the Management of Syndicate Bank, Mumbai, by dismissing Shri Kashinath K. Ovhal from the services of the Bank is justified and proper ?	Yes
4. What relief Shri Ovhal is entitled to?	Does not survive.

REASONS :

Issue Nos. 3 & 4 :

6. This is second round of litigation which is on the point of quantum of punishment. By passing Award I this Tribunal decided enquiry fair and proper as well as finding not perverse.

7. It is to be noted that, the charge of misconduct was leveled vide charge sheet dated 18-1-1988, from pages 21 to 25, annexed with Exhibit 15 was levelled against the concerned workman. Said charge is regarding receiving amount from outsiders by giving assurances for getting them employment, charge of removing Bank documents

like Saving Bank account slip books, Cheque Books and pass books which were in the custody of the Bank and charge of preparing false and bogus documents to impress upon outsiders regarding their work were levelled against the concerned workman. It is to be noted that, those are serious charges leveled against the concerned workman. Since enquiry was held just and proper and finding not perverse now reference is kept for deciding the quantum of punishment.

8. According to 2nd Party punishment is harsh or disproportionate. Whereas case of the 1st Party is that, it is just and proper.

9. To prove that 2nd Party placed reliance on his affidavit filed for second time in this proceedings at Exhibit 34 stated and contended that, he has not misappropriated the amount as alleged in the charge sheet. He states that, no monetary loss has occurred to the Bank due to his alleged activities. He states that, the punishment is disproportionate. He states that, the charges are not proved against him. In the cross he states that, serious charges were levelled against him vide charge sheet dated 18-1-1988. He states that, previously his one increment was withheld. He further states that, the said punishment was imposed upon him and it was just, proper. He admits that, he attendant house work in Reserve Bank of India quarters. He states that, he was doing that work for 8-10 years. He states that in that period he was earning Rs. 6000 per month. He states that, he did not apply for any employment and on that, he closed his evidence. Against that, no evidence is led by the 1st Party and by Exhibit 37 it intimated its decision not to lead any evidence.

10. Written arguments are filed by 1st party at Exhibit 39. Against that, no written arguments were submitted by 2nd Party so matter was kept for his arguments.

11. Here it is to be noted that, serious charges of receiving the amount from outsiders on false assurances, using blank saving Bank account slips, pass books and removing the same from the custody of the bank and using those for false and frivolous documents and transactions and to gain monetary benefits out of it are levelled against the concerned workman. It is to be noted that, said is not challenged seriously by concerned workman. The enquiry is observed as just and proper and its finding not perverse. In the domestic enquiry concerned workman was held guilty of the charges levelled against him. Now stage is kept for deciding whether the punishment awarded to the concerned workman is just and proper ?

12. When serious charges were levelled against the concerned workman which are not denied by him and which are proved in the enquiry, in my considered view no importance is require to given to the mere statement of the 2nd Party that, quantum of punishment is not proportionate to the charges levelled against him. On the contrary 1st Party's Advocate placed reliance on the citation published in 1998 ICLR page 1093 in the case of Union Bank of India vs Vishwamohan where Apex Court observed that, in case of proved misconduct like charge of misappropriation, no leniency is attracted. Besides he placed reliance on the

citation published in 2005 I CLR page 959 in the case of Bharat Heavy Electricals Ltd. vs M. Chandrasekhar Reddy & Ors. where Apex Court observed that, when enquiry is observed fair and proper and or charge are proved against the concerned workman, in that case, it is not necessary to interfere in the punishment awarded on the workman. He also placed reliance on the citation published in 2005 I CLR page 1074 in the case of Madhya Pradesh Electricity Board vs Jagdish Chandra Sharma where Apex Court observed that, there must be discipline in the organization, when charge is proved in that case, it is not necessary to interfere in the administrative decision taken by the Management.

13. It is to be noted that, decision given by this Tribunal while passing Award Part I where enquiry was observed just and proper and finding not perverse is not challenged by the 2nd Party and said finding subsists. Now, as stated above, point before us is to decide whether punishment awarded of dismissal is just and proper? As stated above, serious charge of taking money from outsiders, removing documents from the Bank's custody and using in fabricating the documents is levelled against the concerned workman, which are definitely charge of serious nature and definitely said act goes against the interest of the Bank as 2nd Party has misused his position, cheated the Bank as well as parties and gained personally from the said transactions. When that is the position definitely it affected on the reputation of the Bank. Besides 2nd Party is not talking about finding given by Enquiry Officer. Even at this stage he states that, the charges are not proved and in my considered view this Tribunal cannot now decide against that point when it is decided while passing Award I.

14. If consider all this coupled with the case made out by both I am of the considered view that, the punishment awarded of dismissal on the concerned workman who was working in the bank, if it is considered with his position and the place of employment does not require any interference. So I answer this issue in negative and passes the following order :

ORDER

Reference is rejected with no order as to its costs.

A. A. LAD, Presiding Officer

Bombay
10th November, 2009

नई दिल्ली, 11 दिसम्बर, 2009

का.आ. 109.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ौदा के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-2, मुम्बई के पंचाट (संदर्भ संख्या 2/53 ऑफ 2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-12-2009 को प्राप्त हुआ था।

[सं. एल-12011/96/2003-आई आर (बी-II)]

यू. एस. पाण्डेय, अनुभाग अधिकारी

New Delhi, the 11th December, 2009

S.O. 109.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 2/53 of 2003) of the Central Government Industrial Tribunal-2, Mumbai now as shown in the Annexure, in the Industrial Dispute between the employees in relation to the management of Bank of Baroda and their workmen, which was received by the Central Government on 10-12-2009.

[No. L-12011/96/2003-IR (B-II)]

U. S. PANDEY, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 AT MUMBAI

Present

A. A. LAD, Presiding Officer

Reference No. CGIT-2/53 of 2001

Employers in Relation to the Management of Bank of Baroda

The Deputy General Manager,
Bank of Baroda Mumbai Main Office,
P. B. 505, Jeejebhoy Towers,
Dalal Street, Fort,
Mumbai-400 001

....First Party

V/s

Their Workman,
The General Secretary,
Bank of Baroda Employees Union,
Bank of Baroda Bldg; 10/12 Bombay
Samachar Marg,
Mumbai-400 023

....Second Party

APPEARANCE

For the Employer : Shri Lancy D'Souza,
Legal Advisers of Bombay
Chamber of Comm. and Inds.
Mumbai

For the Workman : Shri M. B. Anchan, Advocate.
Date of reserving Award : 12-08-2009.
Date of Passing the Award : 05-11-2009.

AWARD

The matrix of the facts as culled out from the proceedings are as under :

1. The Government of India, Ministry of Labour by its Order No.L-12011/96/2003-IR(B-II) dated 10th September, 2003 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Management of Bank of Baroda in terminating the services of Sh. Vijay S. Kawade, Cashier-cum-Clerk is justified? If not, what relief the concerned workman is entitled to?"

2. Claim Statement is filed by the 2nd Party under the signature of the General Secretary of Bank of Baroda Employees' Union making out the case that, the Workman involved in the reference joined services of the Bank as a Clerk in the year 1981 and worked continuously at its Bank's main office. It is further contended that, the concerned workman was regular in attendance and punctual in his work. It is stated that, however, due to some chronic stomach ailment he was required to take medical treatment from private medical Doctor. It is stated that, he was under the treatment from 20-1-1995 and regarding his absensee, he informed Mr. Das, Senior Manager. It is stated that, however, he was served with a letter dated 11-2-1995 asking him to report on duty. It is stated that, since he was critically ill and he was served with a letter he went to the Bank to report for his duties but he was not permitted to report on duty. It is further stated that, again on next day 2nd Party tried to report on duty. However, he was not permitted to do so and by another letter Bank treated the absenteeism of the concerned workman as voluntary retirement of 2nd Party. It is stated that, no termination letter was issued by the Bank. It is stated that, the Bank without following due process of law treated the concerned workman involved in the reference as voluntarily retired which is not fair. It is stated that, in fact it is the termination on account of absenteeism. In fact Management cannot terminate the workman involved in the Reference on that ground since he had informed it about his absenteeism. It is stated that, no charge sheet was served and no enquiry was conducted holding him guilty of the charge of absenteeism. It is submitted that, the action taken by the Management be quashed and set aside with directions to it to reinstate him with benefit of back and continuity of service.

3. This is disputed by 1st Party, Bank, by filing written statement at Exhibit 9 making out the case that, the reference is not maintainable and deserves to be rejected solely on that ground. It is submitted by the Bank that, treating the concerned workman as voluntarily retired does not amount to termination. It is further stated that, meaning drawn by the Union regarding decision taken by the Bank treating the concerned workman involved in the reference as voluntarily retired is wrongly taken by it and on that sole ground, reference is not maintainable. Besides, it is stated that, there is inordinate delay of 9 years which is not explained as to why Union chose to challenge the decision of the Management after 9 years. It is not explained as to why it unable to raise dispute in 9 years and no reason is given about delay. No explanation is given as to why Union decided to raise dispute after 9 years. It is stated that, in 1981 and 1982 the concerned workman remained absent for 54 days without intimation and permission. It is stated that, by letter dated 29-5-1982 Management communicated to concerned Workman with a warning to report on duty otherwise it will treat his absensee as voluntarily retirement. It is stated that, by letter dated 14-3-1983 concerned workman was informed about his unauthorized absenteeism without permission and sanction. It is stated that, for 127 days he remained absent in the year 1981-82 and 1983

without permission and continued said habit which affected on the working of the Management. Even Bank by letter dated 24-5-1983 informed concerned workman that, if he failed to report on duty it will treat his absensee as voluntarily retirement. It is stated by the 1st Party that, no improvement was shown by the concerned workman and he continued to remain absent unauthorisedly, hence action was taken against him and charge sheet dated 16-11-1983 was issued to the concerned workman leveling charge of remaining absent unauthorisedly and treating said absensee as voluntary retirement alleging that, he remained absent unauthorisedly without permission. It is stated that, charge of late attendance was also levelled against him. It is also stated that, charge of committing acts of disorderly and indecent behaviour was also levelled against the concerned workman and about his indulgence in violence in the Bank premises were also levelled against the concerned workman. It is stated that, for that punishment of stoppage of two increments was imposed upon the concerned workman in August, 1984. Even then no improvement was shown by the workman involved in the reference. It is stated that, even after receipt of the said letter dated 11-8-1984 concerned workman unauthorisedly remained absent and by letter dated 15-11-1984 Bank informed the concerned workman to report on duty on or before 15-12-1984 with reasons of his unauthorized absenteeism which he did not did and treated that he is voluntarily retired. It is further stated that, he reported on duty from 4-12-1984 but subsequently the concerned workman remained absent from 28-1-1985 and the Bank by letter dated 11-2-1985 informed the concerned workman about said absenteeism and gave him warning. Same thing happened while issuing letter dated 20-2-1985 and 17-6-1987 as well as 16-7-1987 while sending reminders to the concerned workman on number of occasions, however, no note was taken by the concerned workman which reveals that, 2nd Party was not interested and it treated it as not interested and treated him as voluntarily retired from employment. It is stated that, decision taken by the Management in treating him as voluntarily retired does not require any interference and pray to reject the reference.

4. 2nd Party filed rejoinder at Exhibit 12 stating same story as stated in the claims statement.

5. In view of the above pleadings Issues were framed at Exhibit 14. Out of which issues Nos. 1 and 2 were treated as preliminary issues which I answer as follows :

Issues	Findings
1. Whether Reference is maintainable ?	No
2. Whether there is inordinate delay in making reference on which 2nd Party is not entitled to get relief ?	No

REASONS :

ISSUES NOS. 1 & 2 :

6. 2nd Party Union claims that action taken by the 1st Party treating the concerned workman as voluntarily

retired is nothing but termination without giving opportunity to the concerned workman. On number of occasions explanation was given. However, it was not considered and without giving charge sheet and holding enquiry and following due process of law the concerned workman was terminated. Dispute raised reveals that, the concerned workman was in the habit of remaining absent on number of occasions and even charge sheet was issued and he was asked to report on duty, however, he did not show any improvement which compelled the Bank to treat the concerned workman as voluntarily retired.

7. To prove that, 2nd Party placed reliance on his affidavit filed at Exhibit 16 in lieu of his examination-in-chief repeating the same story as stated in the Statement of Claim. In the cross he admits that, he was making correspondence with the Bank even after his termination. He admits that, he was absent from 16-9-1994 to 10-4-1995. He admits that, every correspondence sent by him was replied by the Bank. On that, 2nd Party closed the evidence and filed closing purshis at Exhibit 17.

8. 1st Party chose not to lead any evidence and filed closing purshis at Exhibit 18.

9. Written arguments were filed by the 2nd Party at Exhibit 19 and replied by the 1st Party by filing written arguments at Exhibit 21 with list of citations at Exhibit 22.

10. 2nd Party tried to make out the case that, the concerned workman was unnecessarily punished without following due process of law. It is his case that, no charge sheet was served, no opportunity was given and no decision was given treating him as voluntarily retired. Whereas case of the 1st Party is that, on number of occasions he was absent and he was informed to report on duty. However, he failed to report and explain about his absenteeism which invite 1st Party to treat him as voluntarily retired. It is case of the 1st Party that, after 9 years dispute is raised and no delay is explained. It is filed only just to test the luck and no other meaning can be drawn from it.

11. Perused proceedings and the written arguments submitted by both. Gone through the evidence led. It is to be noted that, number of letters were sent by the 2nd Party Workman to Bank as produced with Exhibit 13 reveals that, the concerned workman was given opportunity on number of occasions and it also reveals that, Bank was asking him to report on duty. It shows that, if he did not report it will treat his absence as voluntarily retired. Though 2nd Party filed documents with list Exhibit 15 and though relied on some medical certificates which are produced in the form of Xerox copy, are not proved by leading cogent evidence. No specific case is made out on that point. Only vague case is made out as rightly questioned by the 1st Party. The concerned workman has not explained as to why he decided to challenge the order/decision of the 1st Party after 9 years. Besides, there was no termination but 1st Party treated 2nd Party as voluntarily retired. It is a matter of record that, the 2nd Party admits absenteeism. Record reveals that, 2nd Party admits the charge of absenteeism leveled against him. Even he admits that, his every

correspondence was replied by the Bank. Besides it is not denied by the 2nd Party that, decision of the 1st Party is challenged after 9 years. It is also admitted fact that, it is not explained as to why dispute is raised after 9 years and even there is no termination and when it is challenged after 9 years, definitely it need to see whether it is legal or otherwise?

12. The Ld. Advocate for the 1st Party placed reliance on the citation published in 2006 II LJ SC page 1046 in the case of State Bank of Bikaner & Jaipur Vs. Om Prakash Sharma, where Apex Court observed that, if Section 25H of Industrial Disputes Act, 1947 was not found to be violated then question of setting aside termination does not arise. In this case it is not pointed out that, Bank has violated Section 25H of Industrial Disputes Act, 1947. Besides he relied on citation published in 2000 LAB IC page 2326 of Supreme Court in the case of Syndicate Bank Vs. General Secretary, Syndicate Bank Staff Association & ann, where Apex Court observed that, when they have served notice on delinquent of calling upon him to report and he fails to do so, question of action by Bank under Bipartite Settlement cannot be challenged and which cannot be disturbed by the Courts directing the Bank to reinstate such a workman. In the instant case same thing happened. The citation referred by 1st Party's Advocate published in 2000(2) F.L.J page 21 in the case of Nedungadi Bank Ltd. Vs. K.P. Madhavankutty where it is observed by the Apex Court that, even if no time limit is specified it does not mean that, a power of Government to make reference can be exercised at any point of time. In this matter same thing as happened where dispute is raised against decision taken by the Bank treating the concerned workman as voluntarily retired is challenged after nine years. No reason is given as to why it was not disputed in 9 years. In citation referred by 1st Party's Advocate published in 1997 II CLR page 438 in the case of State of Haryana Vs. Miss Ajay Walia where Apex Court observed that, if there is inordinate delay, the Court cannot entertain the relief. Same view is taken by Hon'ble Delhi High Court in the citation published in 2007 II LJ page 1076 in the case of Satbir Singh Vs. Management of Supdt. Engineer and by our Hon'ble High Court while deciding Writ Petition No.4061 of 1997 in the case of Chandrakant V. Shinde Vs. Sahayak Sanchalak Arogya Seva.

13. If we consider all this coupled with the case made out by both and law looking the where 2nd Party is not sure about its own case regarding concerned workman. I am of the view that, such a reference is not maintainable as the delay is not explained. Hence, I answer these Issues to that effect and conclude that reference is not tenable. Hence, the order :

ORDER

Reference is not tenable
Hence disposed off with
no order as to its costs.

Bombay
5th November, 2009

A. A. LAD, Presiding Officer

नई दिल्ली, 11 दिसम्बर, 2009

का.आ. 110.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ौदा के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय एरनाकुलम, के पंचाट (संदर्भ संख्या 47/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-12-2009 को प्राप्त हुआ था।

[सं. एल-12011/168/2005-आई.आर. (बी-II)]

यू. एस. पाण्डेय, अनु. अधिकारी

New Delhi, the 11th December, 2009

S.O. 110.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the Award (Ref. No. 47/2006) of the Central Government Industrial Tribunal/Labour Court Ernakulam now as shown in the Annexure, in the Industrial Dispute between the employees in relation to the management of Bank of Baroda and their workman, which was received by the Central Government on 10-12-2009.

[No. L-12011/168/2005-IR (B-II)]

U.S. PANDEY, Section Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present : Shri P. L. Norbert, B.A., L. L. B., Presiding Officer

(Wednesday the 25th day of November, 2009/4th Agrahayana, 1931)

I.D. 47/2006

Union : The Secretary,
Bank of Baroda Employees' Union
(Kerala), C/o. Bank of Baroda, Banerjee
Road, Ernakulam North.

By Adv. Ashok B. Shenoy.

Management : The Assistant General Manager,
Bank of Baroda, Regional Office,
P.B. No. 5095, Karimpanal Arcade,
Fort, Thiruvananthapuram.

By Adv. M/s. B.S. Krishnan Associates.

This case coming up for hearing on 25-11-2009, this Tribunal-cum-Labour Court on the same day passed the following.

AWARD

This is a reference made under Section 10 (1)(d) of Industrial Disputes Act claiming regularisation of service of 53 employees in Bank of Baroda. During the pendency

of the case six employees were considered for absorption by the management on the basis of a scheme evolved by the management in 2008. In view of this six workers withdrew their claim. A few others were disengaged by the management. The remaining workers submitted through their counsel that they too may be permitted to withdraw the dispute without prejudice to their right to raise an industrial dispute in case their rights for regularisation are denied by the management, though they are eligible for regularisation. An endorsement is made to that effect by the counsel for the union. The management has no objection. In view of this submission reference is disposed off as under.

An award is passed allowing the union to withdraw the claim of workers without prejudice to their rights to raise a dispute in case they are denied benefits of the scheme for regularisation, despite their eligibility for regularisation and also in case of termination of service not in accordance with the procedure under I.D. Act.

The award will come into force one month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 25th day of November, 2009.

P.L. NORBERT, Presiding Officer

Appendix

Nil

नई दिल्ली, 14 दिसम्बर, 2009

का.आ. 111.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं बी.बी.एम. बी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, चण्डीगढ़ के पंचाट [संदर्भ संख्या 439/2005 (62/95)] को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-12-2009 को प्राप्त हुआ था।

[सं. एल-22012/119/1995-आईआर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 14th December, 2009

S.O. 111.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award [Ref. No. 439/2005 (62/95)] of the Central Government Industrial Tribunal-cum-Labour Court No. 1 Chandigarh as shown in the Court Annexure, in the Industrial Dispute between the employers in relation to the management of BBMB and their workman, which was received by the Central Government on 14-12-2009.

[No. L-22012/119/1995-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT-1, CHANDIGARH.**

CASE NO. I.D. NO. 439/2005 (I.D. 62/95)

Shri Brijeshwar Malik S/o Godhan Ram, Vill. & P. O. Atail,
Teh. & District Rohtak.

... Applicant

Versus

The Engineer-in-Chief/TS, Bhakra Beas Management
Board, Chandigarh.

... Respondent

APPEARANCES

For the workman : Sh. Naunihal Singh & Amarjot
Singh, Advocates.

For the Management : Ms. Sumarjit Kaur, Advocate.

AWARD

Passed on 2-12-09

Government of India vide Notification No. L-22012/119/95-IR (C-II) Dated 12-07-1995 by exercising its powers under Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act) referred the following Industrial dispute for adjudication of this Tribunal :—

“Whether the action of the Management of BBMB in ordering compulsory retirement of Shri Brijeshwar Chowkidar w.e.f. 16-4-93 is legal and justified? If not, to what relief the workman is entitled and from which date?”

On perusal of the pleadings and evidence of the parties, it is evidently clear that workman was charge-sheeted twice. Charge Sheet dated 15-01-1992 contains 3 charges, whereas, Charge-sheet dated 17-02-1992 contains 7 charges. In Charge-sheet dated 15-01-1992 the workman was charge sheeted for drinking wine during office hours, misbehaving the officials in the office in general and particularly with Engineer P.P. Singh in the presence of other persons. Charge Sheet dated 17-02-1992 contains 7 charges relating to theft of certain office articles from the office, tampering and misusing the official telephone No. 73115 provided to the Office of the Bhakra Beas Management Board in question, tampering of Confidential Report locked in Almirah, refusal to deliver Office Memo and to perform office duties assigned to him, threatening Shri Kanwar Singh Chowkidar to put the office on fire and remaining willfully absent from duty from 03-05-1990 to 14-06-1990 and producing a fake Medical Certificate.

The main contentions of the workman in his pleadings and evidence are that no proper opportunity was given to him. Enquiry Officer has not fairly conducted the enquiry and there- had been the violation of principle of natural justice while conducting the inquiry. The management contended that a proper and reasonable opportunity was given to him while conducting inquiry and principle of natural justice was adhered to by the Enquiry Officer.

Parties were afforded opportunity for adducing evidence. Evidence of the parties was recorded. Complete inquiry proceeding is before this Tribunal. I have heard the parties at length and perused the entire material on record.

The main contention of the learned legal representative for the workman is that it is the case of no evidence. The workman was charge-sheeted for drinking alcohol, whereas, he was in drunken position has not been proved. He was not medically examined and in absentia of forensic report enquiry officer has wrongly held that he was in drunken state. Regarding the confession, learned counsel for the workman has contended that confessional statement was not free and when the workman was charge-sheeted, he withdrew the confessional statement and denied all the charges. Thus, as per arguments of legal representative of the workman, the confessional statement, which is withdrawn by the workman, cannot be relied upon.

Learned legal representative of the management has contrarily argued on nature of inquiry and proving of all the charges against the workman.

On different charges Enquiry Officer conducted the inquiry separately and a separate report was submitted for both of the charges.

On Charge-sheet dated 15-01-1992, on Charge no. 1, as more as statement of 7 persons were recorded. On charge no. 1, 2 and 3 preliminary enquiry was also conducted. The report of preliminary inquiry is also on record. The statements of persons recorded as witnesses by the preliminary Enquiry Officer, were also recorded by Enquiry Officer Shri Tuli. They all have stated that the workman was in a drunken state of affairs when he entered in the office of Engineer, P.P. Singh. He misbehaved with the persons, used the filthy language to the Chairman. When he was asked to go out, he became very violent. It was very difficult for the persons present over there to keep him out of the room. It is true that no medical examination of the workman was conducted to prove that he has consumed alcohol on that day. But there are two confessional statements on record written in the handwriting of the workman that he consumed alcohol at about 11.30 AM and 2.00 PM during office hours on the day in question. The workman has challenged the confessional statement on the ground of his free will to confess.

The inquiry before this Tribunal is of different nature and cannot be compared with criminal and civil proceedings. The behaviour of workman was assessed by all the witnesses including complainant that was supported by confessional statement of the workman. There is no iota of evidence on record to prove that the confession made by the workman was not voluntary. Medical examination is necessary before the criminal court to prove a criminal case (charge) against any accused beyond shadow of doubt. In the proceedings before this Tribunal, the evidence regarding general behaviour of any witness is sufficient, if it is credible and has nexus with the act of the workman allegedly said to be misconduct. All the witnesses have given the evidence that on his general behaviour, he was looking as drunken man. No doubt, he has not consumed the liquor in their presence. His behaviour was not that of a normal man and he seems to be in drunken position is supported by the confessional statement of the workman. Thus, absence of forensic evidence on the basis of blood and urine sample of workman is not material in the proceedings before this Tribunal and in departmental proceedings. Accordingly, the Enquiry Officer has rightly given the report on charge no. 1 to be well proved.

Rest two charges are relating to misbehaviour, which are well proved by the independent evidence. The opportunity to cross-examine of all the witnesses was afforded to the workman. Accordingly, the Enquiry Officer has rightly given the report on charge no. 2 and 3 being well proved.

Regarding charge-sheet dated 17-02-1992, charges nos. 1, 4, 6 and 7 (partly), were not proved before the Enquiry Officer. On charge no. 2, there is an evidence of an eye witness and documentary evidence to prove that the workman has not only tampered with official telephone instrument but he has misused the telephone by permitting other persons to make calls during odd hours. The telephone instrument was recovered from his custody, which was used for making such calls. This instrument was identified by the witness. The telephone bills of the period in question also prove the misuse of the telephone. Before the period in question meaning thereby from 15-06-1990 to 11-09-1990, the average telephone bill of the office was Rs. 2050 by monthly. Average telephone bill after 11/1990 was reduced to Rs. 1550 by-monthly, but the telephone bill of period in between 15-08-1990 to 11-09-1990 was Rs. 11,000 by-monthly. This billing also corroborates the statement of eye witness that the workman misused the telephone. Hence, the Enquiry Officer has rightly held the charge well proved against the workman.

Likewise, on charge no. 3 and 5, independent witnesses were recorded and after perusal of the inquiry report and its proceedings, I am of the view that there is no occasion for this Tribunal to interfere in the findings of the Enquiry Officer. It is only the charge no. 7, which is held to be proved by the Enquiry Officer partly. Charge no. 7 is regarding misbehaving with the Medical Office of the BBMB. Providing the false Medical Certificate has been

held to be proved by the Enquiry Officer. The only evidence to prove the falsehood of the Medical Certificate filed by the workman is the statements of the Medical Officer who has not examined the workman nor have any concern with the Medical Certificate. Thus, I am of the view that Enquiry Officer has wrongly held the charge no. 7 proved and this part requires interference in the inquiry report. Thus, charge no. 1, 4, 6 and 7 are not proved against the workman and rest i. e. 2, 3 and 5 are well proved.

Disciplinary authority on the basis of the charge-sheet awarded the punishment of compulsory retirement of the workman from the services. It is challenged by the workman on the grounds that opportunity of being heard on the quantum of punishment was not given to him. Management has filed the rules and regulations of the department. Rule 4 specifically reveals that if the punishing authority having regard to its findings on all or any of the articles of charge and on the basis of the evidence adduced during the inquiry is of the opinion that any of the penalties specified in Clause V to IX of Regulation 5 should be imposed on the employee, it shall make an order imposing such penalty and it shall not be necessary to give the employee any opportunity of making representation on the penalty proposed to be imposed. Misconduct and the penalty proposed to be given falls under clause V to IX of Regulation 5. Accordingly, as per rules of department, it was mandatory on the part of punishing authority to give an opportunity on filing written representation on proposed punishment.

I have also gone through Regulation 10 of concerned rules. Regulation 11 contains the procedure to be followed by the Enquiry Officer. The Enquiry Officer has violated the procedure as such. Proper opportunity of being heard was afforded to the workman and there was no violation of principle of natural justice. Now the question arise, whether the punishment awarded to the workman is proportionate to the committed misconduct? The punishment awarded is compulsory retirement, whereas, the misconduct proved is misbehavior with the senior officers after drinking alcohol during office hours and misusing the property of the office of management.

Discipline of any organization is its backbone. An institution cannot survive without discipline. The acts of workman misbehaving officers and officials after drinking alcohol is a threatening act to the existence of any institution. Such type of workman never deserves to be in service and the management has rightly but very politely showed him the way out of the office. In my view, the punishing authority was very polite while awarding the punishment of retirement and no interference is required in the punishment awarded to the workman.

Accordingly, the reference is answered, Let the Central Government be approached for publication of the award and, thereafter, file be consigned-to record room.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 14 दिसम्बर, 2009

का.आ. 112.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं एफ.सी. आई. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 266/2000 को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-12-2009 को प्राप्त हुआ था।

[सं. एल-22012/500/1999-आईआर(सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 14th December, 2009

S.O. 112.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 266/2000 of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of FCI and their workman, which was received by the Central Government on 14-12-2009.

[No. L-22012/500/1999-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVT.
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case I. D. No. 266/2000

The President, Food Corporation of India Ancillary Labour Union, Basti Sunwa Wali, Ward No. 2, Nai Abadi, Ferozpur, Ferozpur

—Applicant

Versus

FCI, Ferozpur, District Manager, F.C.I. 151, Sant Lal Road, Ferozpur (Punjab)

—Respondent

APPEARANCES

For the workman : None
For the Management : Shri N. K. Zakhmi.

AWARD

Passed on 17-11-09

Central Govt. vide notification No. L-22012/500/99-IR (CM-II), dated 13-07-2000, has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of FCI in terminating the services of the workers (as in Annexure) without paying them any retrenchment compensation is legal and justified? If not, to what relief the workmen are entitled?”

2. Case repeatedly called. None appeared for the

workman. The reference was referred by the Central Govt. in 2000 and already nine years old. It appeared that workman is not interested to pursue with the present reference. In view of the above, the present reference is returned as such to the Central Govt. for want of prosecution. Central Govt. be informed. File be consigned.

Chandigarh.

17-11-09

G. K. SHARMA, Presiding Officer

नई दिल्ली, 14 दिसम्बर, 2009

का.आ. 113.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं एफ.सी. आई. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय लखनऊ के पंचाट (संदर्भ संख्या 61/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-12-2009 को प्राप्त हुआ था।

[सं. एल-22012/265/2003 आईआर (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 14th December, 2009

S.O. 113.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 61/2004) of the Central Govt. Indus. Tribunal-cum-Labour Court, Lucknow as shown in the Annexure, in the Industrial Dispute between the management of Food Corporation of India, and their workmen, received by the Central Government on 14-12-2009.

[No. L-22012/265/2003-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, LUCKNOW**

Present : Shri N.K. Purohit, Presiding Officer

I.D. No. 61/2004

Ref. No. L-22012/265/2003-IR (CM-II) dated 23-6-2004

Between

The State Secretary,

Bharitya Khadya Nigam Karmachari Sangh,

5/6, Habibullah Estate,

Lucknow

(Espousing cause of Shri Ram Kishan)

AND

The Regional Manager,

Food Corporation of India,

5/6, Habibullah Estate,

Lucknow.

AWARD

26-11-2009

1. By order No. L-22012/265/2003-IR (CM-II) dated 23-6-2004 the Central Government in the Ministry of

Labour, New Delhi in exercise of powers conferred by clause (d) of sub-section (1) and sub-section ((2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between the State Secretary, Bharitya Khadya Nigam Karmchhari Sangh, 5/6, Habibullah Estate, Lucknow (Espousing cause of Shri Ram Kishan) and the Regional Manager, Food Corporation of India, 5/6, Habibullah Estate, Lucknow for adjudication.

2. The reference under adjudication is :

"Kya Prabandhan, Bharitya Khadya Nigam, Lucknow Dwara Karmkaar Shri Ram Kishan se Rupae 15,518 ki recovery dandadesh dinank 14-1-2003 ka danda kiya Jana Nayaysangat Hai" Yadi Nahi, to sambandha Karmkaar kis Anutosh ka Haqqaar Hai?"

3. The case of the workman's union, in which the workman, Ram Kishan was served upon a charge sheet dated 12/14-8-2002 for alleged storage loss amounting to Rs. 65,938 under Regulation 60 of the Staff Regulation 1971. It has been alleged by the workman's union that the Disciplinary Authority has passed the impugned penalty order dated 14-1-2003, imposing penalty for recovery of Rs. 15,518 upon the workman without considering the reply dated 28-8-2002, submitted by the workman. It has been submitted by the workman's union that it is QC staff which is responsible for giving required treatment to the food grain to maintain proper health of the grain and depot staff is not responsible for this at all; and also the factors causing storage loss, such as birds and rodents were not taken into account by the management of FCI while passing impugned order. Further, it has been alleged by the workman's union that the impugned order is against principles of natural justice and also that of provisions contained in Regulation 60(1)(d) of Staff Regulations 1971; and accordingly, has prayed that the impugned order dated 14-1-2003 be set aside with consequential relief to the workman.

4. The management of the FCI has disputed the claim of the workman's union by filing its written statement wherein it has submitted that its action in imposing minor penalty vide order dated 14-1-2003 was in accordance with the Regulation 60 of FCI (Staff) Regulation, 1971 and the workman was given full opportunity to defend himself, thus, there is nothing illegal with it. Further it has been submitted that the workman has not exhausted channel of alternative remedy provided under FCI (Staff) Regulation, 1971 against the impugned order inasmuch as the reference order is bad in law; and accordingly, it has prayed that the claim of the workman's union be rejected without any relief to the workman concerned.

5. The workman's union has filed rejoinder wherein it has introduced nothing new, apart from reiterating facts already stated in the statement of claim.

6. The parties have filed documents in support of their respective claim. The case proceeded ex-parte against the workman's union when it failed to furnish its evidence in spite of ample opportunity being provided to it vide order dated 9-1-2006; and accordingly the management was

directed to put its evidence. The management examined Smt. Santosh Bakshi, Asstt. GM, FCI in support of their claim. The parties filed their written arguments apart from submitting oral submissions in support of their case.

7. Heard representatives of both the parties and scanned the documents on record.

8. The question under consideration is whether the recovery of Rs. 15,518 from the workman as penalty vide impugned order dated 14-1-2003 is justified?"

9. The learned representative on behalf of the union has urged that the workman has categorically stated in para 4 of the claim statement that there was no norm in FCI to decide the justification of storage loss. The FCI has admitted this in the para 6 of the written statement. He has further submitted that no document has been referred in the charge sheet, therefore, documents not mentioned in the charge sheet cannot be considered. The Disciplinary Authority has not mentioned in its order as to which documents have been considered as such the impugned order is non-speaking and non-reasoned and findings are violative of principles of natural justice. He has also submitted that the Disciplinary Authority has not considered the reply of the workman, therefore, it is also violation of Regulation 60(1)(c) of FCI (Staff) Regulation, 1971. He has further submitted that the objection raised by the opposite party regarding validity of reference order is also not sustainable as validity of reference cannot be decided by the Tribunal. He has also submitted that objection regarding non availing alternate remedy of appeal is also liable to be rejected. In support of his contentions he has placed reliance on:

- (i) 1999 SCC (L&S) 429 Kuldip Singh vs. Commissioner of Police.
- (ii). 1995 FLR(70) 858 UPSRTC vs. Sarfaraj Hussain.
- (iii). 2000 SCC (L&S) 85 Hardwari Lal vs. State of UP.
- (iv). 2005 (23) LCD 1101 Ayodhya Singh vs. Oriental Bank of Commerce.
- (v). 2007 (2) SCC (L&S) 264 National Engineering Industries vs. State of Rajasthan.
- (vi). 1984 SCC (L&S) 21 Jai Bhagwan vs. Management of Ambala Central Cooperative Bank.
- (vii) 1976 SCC (L&S) 398 DPO, Southern Railway vs. T.R. Chellappan.

10. Per contra, the learned representative on behalf of the corporation has urged that the FCI has not admitted any of the averments of the statement of the claim. The averment in written statement "the aforesaid is matter of records hence do not call for reply" does not mean FCI is admitting any of the averment. It means only that the claimant is put to prove his contention as stated in the statement of claim. The Disciplinary Authority has passed

the impugned order after considering reply of the workman and there is no illegality in the order. He has also raised preliminary objections regarding maintainability of the reference on the grounds that the workman has not availed alternate remedy of appeal before the Appellate authority and reference is misconceived and bad in law as the same has been made without application of mind and considering the case of the management of FCI.

11. I have given my thoughtful consideration to the rival contentions made by both the sides. The preliminary objection raised by the management of the Corporation regarding maintainability of reference order on ground of not availing alternate remedy is not tenable in the light of principle laid down in 1984 SCC (L&S) 21 *Jai Bhagwan vs. State of Haryana* that existence of alternate remedy such as by the way of appeal would not confirm upon the Tribunal discretion to reference to adjudicate the reference referred to it. The other preliminary objection that reference is bad in law is also not sustainable as it is well settled by Hon'ble Apex Court in 2007 (2) SCC (L&S) 264 *National Engineering Industries vs. State of Rajasthan* that validly of reference cannot be decided by the Industrial Tribunal as it is creature of statute and it gets jurisdiction on the basis of reference.

12. Penalty of recovery is a minor punishment and it is to be seen whether procedure for imposing minor penalty has been followed or not and whether the impugned order has been passed in violation of principle of natural justice. Regulation 60 of FCI (Staff) Regulation, 1971 envisages that no order subject to sub Regulation (iii) of Regulation 59, imposing on an employee any of the penalties described in clause. (i) to (iv) of Regulation 54 shall be made except after informing the employee of the decision to take action against him on imputation of misconduct or misbehaviour on which it is proposed to be taken and after giving him opportunity of making such representation and after taking the representation, if any, submitted by the employee and record of inquiry, if any, into consideration. The Disciplinary Authority is also required to record finding on each imputation of misconduct or misbehaviour.

13. It is not disputed that in the present case memo dated 12-8-2002 (7/1) along with statement of imputation of misconduct (7/2) was served upon the workman and reply dated 28-2-2002 (7/3) to the said memo was submitted by the workman.

14. In the statement of imputations of misconduct it is alleged that during the period August, 2001 while the workman was posted as AGI (D) at FSD Parasa Khera, failed to maintain absolute integrity and devotion to duty. On August 1, 2001 79 Quintal 92 Kg 500 gm of storage loss of rice was found amounting to Rs. 65,938/-, during storage period for 1 year 7 months 18 days which was quite unjustified. Thus, the workman manipulated in record and shown as it storage loss to hide his misconduct. According to the allegations against the workman, the alleged misconduct was that he manipulated in records of the storage in connivance with other depot staff and shown it

as storage loss to hide his misconduct; but the findings of the Disciplinary Authority on the alleged misconduct is that losses are due to carelessness and negligence on the part of the workman, Ram Kishan. Thus, the findings of the Disciplinary Authority are not in commensurate with the allegations in the statement of imputations of misconduct.

15. The workman contended in his reply that the rice stock was received at 14.9% moisture in stack No. 3B/10 and 14.8% moisture in stack No. 3C/3 by the technical staff posted at union No.3 under supervision of Shri N. K. Dubey, AM (QC). During storage period of said rice stock the moisture contents reduced up to 11.5% in stack No. 3B/10 and in stack No. 3C/3 up to 11.8% in the month of May, 2001 while at the time of dispatches of the stock moisture contents shown by the TAS are 12.8% and 12.9% respectively. As such, the quantity of storage loss is justified in reference to the moisture reading recorded in May, 2001. He further contended that the storage losses also increased due to unavoidable circumstances i.e. bird trouble, poor texture of gunnies at the time of dispatches, use of iron hooks by the labourers etc.

16. Upon perusal of the impugned order, it is evident that the Disciplinary Authority has not discussed the contentions raised by the workman in his reply. The Disciplinary Authority has passed following order:

“The undersigned after careful and dispassionate examination of the representation submitted by the C. O. contents of charge sheet and documents related to the case, finds that the points of representation furnished by C.O. on abnormal storage loss in his unit are not convincing. The undersigned after considering the reasons given by C.O. for storage loss in his submission to charge sheet and also taking into account the diarge due to reduction in moisture contents storage period etc. still finds that the loss to the tune of Rs. 15518.00 is monetary value remained unjustified. These losses are due to carelessness and negligence on the part of said Shri Ram Kishan, AGI (D) for which he should be penalized.”

In the said order it is mentioned that after careful examination of the representation, contents of charge sheet and documents related to the case, the Disciplinary Authority did not find points of representation regarding storage loss convincing, but it is not mentioned what documents relating to case were perused and on what basis he did not find the contention raised by the employee non-convincing. Further, there is no reference of any document in the statement of imputations of misconduct and as per legal proposition laid down in 1999 SCC (L&S) 429 *Kuldeep Singh case* Hon'ble Apex Court document not mentioned in the charge sheet cannot be considered.

17. It is also pertinent to mention that in para 04 of the statement of claim the union has alleged that there are no norm in FCI to decide the justification of storage loss. In para 07 he has pleaded that rice is a non-hygroscopic

commodity and does not absorb water due to change of weather. In para 08, further pleaded that the internal moisture content plays an important role in reducing the weight of the food grain which is natural phenomenon and as such is beyond the control of the workman. Apart from this there are number of factors which are responsible for storage loss such as micro-organisms, longer period of storage, rats birds etc. In the written statement filed by the FCI, there is no categorical denial in regards to said pleadings. Similarly there no categorical denial of the averments made in para 09 to 12 in the statement of claim. Thus, impliedly admitted the averments made by the union that there are no norms to justify the storage losses and it is evident from the impugned order itself. In charge it is alleged that the storage loss to the tune of 79.92.500 Quintals valuing Rs. 65,938 was found which is unjustified; but in impugned order the Disciplinary Authority has imposed the penalty of recovery of Rs. 15,500 only. The Disciplinary Authority has mentioned that the loss to the tune of said amount of monetary value remained unjustified. He has not given any reasons how and on what reasons or norms, he had found the loss to the tune of Rs. 15,500 unjustified and remaining as justified. The impugned order in this regard is arbitrary and non-reasoned.

18. The management of FCI has examined Smt. Santosh Bakshi, AGM to justify the impugned order passed by the Disciplinary Authority. She has stated the procedure for determining the loss and tried to explain the reasons on the basis of which the Disciplinary Authority found the loss to the tune of Rs. 15,000 unjustified. In cross-examination she has stated that since year 2004 detailed speaking orders are been passed earlier Disciplinary Authority used to pass brief orders for imposing penalty. In cross-examination she could not explain what documents were considered by the Disciplinary Authority.

19. Admittedly, the impugned order was passed on 14-1-2003 and it is evident from the order itself that it is non-speaking order. It is not mentioned in the order on what basis or norms the losses were found justified and unjustified. If or is non-speaking and non-reasoned the lacuna cannot be filled up by substituting reasons through oral evidence. The Disciplinary Authority is duty bound to consider the reply and record reasons for disagreement and record its findings by speaking order.

20. It is well settled legal position that the Tribunal would not interfere with the findings recorded by the Disciplinary Authority as a matter of course. The Tribunal cannot sit in appeal over the findings and assume the role of Appellate Authority. The Tribunal cannot reconsider or reappraise the evidence and substitute its own conclusion in place of conclusion arrived on record by the Disciplinary Authority unless there is violation of principle of natural justice or it is perverse.

21. In instant case, the Disciplinary Authority has not mentioned as to which document, have been considered. Further, there is no reference of any document in the statement of imputations of misconduct. The

Disciplinary Authority has mentioned in the impugned order that he did not find reply convincing without assigning any reason. The said order has been passed in cursory manner. The Disciplinary Authority has also not mentioned on what basis or norm he found losses as justified or unjustified as such the impugned order is non-speaking non-reasoned and violative of principles of natural justice and also violative of Regulation 60(1)(c) of Staff Regulations 1971, therefore, liable to be set aside.

22. In view of the above discussions the impugned order dated 14-1-2003 imposing penalty of recovery of Rs. 15,518 is unjustified. Thus, the same is set aside.

23. The reference under adjudication is answered accordingly.

24. Award as above.

Lucknow

26-11-09

N. K. PUROHIT, Presiding Officer

नई दिल्ली, 14 दिसम्बर, 2009

का.आ. 114.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं एफ.सी. आई. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 59/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-12-2009 को प्राप्त हुआ था।

[सं. एल-22012/263/2003-आईआर (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 14th December, 2009

S.O. 114.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 59/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure in the Industrial Dispute between the management of Food Corporation of India, and their workmen, received by the Central Government on 14-12-2009.

[No. L-22012/263/2003-JR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

Present : Shri N. K. PUROHIT, Presiding Officer

I.D. No. 59/2004

Ref. No. L-22012/263/2003-JR (CM-II) dated 23-6-2004

BETWEEN

The State Secretary,
Bharitya Khadya Nigam Karmachari Sangh,
5/6, Habibullah Estate,
Lucknow.

(Espousing cause of Shri A. K. Agarwal)

AND

The Regional Manger,
Food Corporation of India,
5/6, Habibullah Estate,
Lucknow.

AWARD

Dated: 26-11-2009

1. By order No. L-22012/263/2003-IR(CM-II) dated: 23-6-2004 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub section (1) and sub section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between the State Secretary, Bharitya Khadya Nigam Karmachari Sangh, 5/6, Habibullah Estate, Lucknow (Espousing cause of Shri A. K. Agarwal) and the Regional Manger, Food Corporation of India 5/6, Habibullah Estate, Lucknow for adjudication.

2. The reference under adjudication is :

“ Kya Prabandhan, Bharitya Khadya Nigam, Lucknow Dwara Karmkar Shri A. K. Agarwal se Rupae 24,560/- ki recovery Dandadesh Dinank 14-1-2003 ke Dwara kiya Jana Nayaysangat Hai ? Yadi Nahi, to Sambandhit Karmkar kis Anusosh ka Haqdaar Hai ?”

3. The case of the workman's union, in brief, is that the workman, A. K. Agarwal was served upon a charge sheet dated 12/14-8-2002 for alleged storage loss amounting to Rs. 65,324/- under Regulation 60 of the Staff Regulation 1971. It has been alleged by the workman's union that the Disciplinary Authority has passed the impugned penalty order dated 14-01-2003, imposing penalty for recovery of Rs. 24560/- upon the workman without considering the reply dated 29-08-2002, submitted by the workman. It has been submitted by the workman's union that it is QC staff which is responsible for giving required treatment to the food grain to maintain proper health of the grain and depot staff is not responsible for this at all; and also the factors causing storage loss, such as birds and rodents were not taken into account by the management of FCI while passing impugned order. Further, it has been alleged by the workman's union that the impugned order is against principles of natural justice and also that of provisions contained in Regulation 60(1)(d) of Staff Regulations 1971; and accordingly, has prayed that the impugned order dated 14-01-2003 be set aside with consequential relief to the workman.

4. The management of the FCI has disputed the claim of the workman's union by filing its written statement wherein it has submitted that its action in imposing minor penalty vide order dated 14-01-2003 was in accordance with the Regulation 60 of FCI (Staff) Regulation, 1971 and the workman was given full opportunity to defend himself, thus, there is nothing illegal with it. Further it has been submitted that the workman has not exhausted channel of alternative remedy provided under FCI (Staff) Regulation, 1971 against the impugned order inasmuch as the reference

order is bad in law; and accordingly it has prayed that the claim of the workman's union be rejected without any relief to the workman concerned.

5. The workman's union has filed rejoinder wherein it has introduced nothing new, apart from reiterating facts already stated in the statement of claim.

6. The parties have filed documents in support of their respective claim. The workman examined himself whereas the management examined Smt. Santosh Bakshi, Asstt. GM, FCI in support of their claim. The parties filed their written arguments apart from submitting oral submissions in support of their case.

7. Heard representatives of both the parties and scanned the documents on record.

8. The question under consideration is whether the recovery of Rs. 24,560/- from the workman as penalty vide impugned order dated 14-01-2003 is justified ?”

9. The learned representative on behalf of the union has urged that workman has categorically stated in para 4 of the statement claim that there was no norm in FCI to decide the justification of storage loss. The FCI has admitted this in the para 6 of the written statement. He has further submitted that no document has been referred in the charge sheet, therefore, documents not mentioned in the charge sheet cannot be considered. The Disciplinary Authority has not mentioned in its order as to which documents have been considered as such the impugned order is non-speaking and non-reasoned and findings are violative of principles of natural justice. He has also submitted that the Disciplinary Authority has not considered the reply of the workman, therefore, it is also violation of Regulation 60(1)(c) of FCI (Staff) Regulation, 1971. He has further submitted that the objection raised by the opposite party regarding validity of reference order is also not sustainable as validity of reference cannot be decided by the Tribunal. He has also submitted that objection regarding non availing alternate remedy of appeal is also liable to be rejected. In support of his contentions he has placed reliance on:

- (i). 1999 SCC (L&S) 429 Kuldip Singh vs. Commissioner of Police.
- (ii). 1995 FLR (70) 858 UPSRTC vs. Sarfaraj Hussain.
- (iii). 2000 SCC (L&S) 85 Hardwari Lal vs. State of UP.
- (iv). 2005 (23) LCD 1101 Ayodhya Singh vs. Oriental Bank of Commerce.
- (v). 2007 (2) SCC (L&S) 264 National Engineering Industries vs. State of Rajasthan.
- (vi). 1984 SCC (L&S) 21 Jai Bhagwan vs. Management of Ambala Central Cooperative Bank.
- (vii). 1976 SCC (L&S) 398 DPO, Southern Railway vs. T.R. Chellappan.

10. Per contra, the learned representative on behalf of the corporation has urged that the FCI has not admitted any of the averments of the statement of the claim. The averment in written statement "the aforesaid is matter of records hence do not call for reply" does not mean FCI is admitting any of the averment. It means only that the claimant is put to prove his contention as stated in the statement of claim. The Disciplinary Authority has passed the impugned order after considering reply of the workman and there is no illegality in the order. He has also raised preliminary objections regarding maintainability of the reference on the grounds that the workman has not availed alternate remedy of appeal before the Appellate authority and reference is misconceived and bad in law as the same has been made without application of mind and considering the case of the management of FCI.

11. I have given my thoughtful consideration to the rival contentions made by both the sides. The preliminary objection raised by the management of the Corporation regarding maintainability of reference order on ground of not availing alternate remedy is not tenable in the light of principle laid down in 1984 SCC (L&S) 21 *Jai Bhagwan vs. State of Haryana* that existence of alternate remedy such as by the way of appeal would not confirm upon the Tribunal discretion to reference to adjudicate the reference referred to it. The other preliminary objection that reference is bad in law is also not sustainable as it is well settled by Hon'ble Apex Court in 2007 (2) SCC (L&S) 264 *National Engineering Industries vs. State of Rajasthan* that validly of reference cannot be decided by the Industrial Tribunal as it is creature of statute and it gets jurisdiction on the basis of reference.

12. Penalty of recovery is a minor punishment and it is to be seen whether procedure for imposing minor penalty has been followed or not and whether the impugned order has been passed in violation of principle of natural justice. Regulation 60 of FCI (Staff) Regulation 1971 envisages that no order subject to sub Regulation (iii) of Regulation 59, imposing on an employee any of the penalties described in clause (i) to (iv) of Regulation 54 shall be made except after informing the employee of the decision to take action against him on imputation of misconduct or misbehaviour on which it is proposed to be taken and after giving him opportunity of making such representation and after taking the representation, if any, submitted by the employee and record of inquiry, if any, into consideration. The Disciplinary Authority is also required to record finding on each imputation of misconduct or misbehavior.

13. It is not disputed that in the present case memo dated 12-8-2002 (C-7) along with statement of imputation of misconduct (7/2) was served upon the workman and reply dated 29-8-2002 (7/3) to the said memo was submitted by the workman.

14. In the statement of imputations of misconduct it is alleged that during the period August, 2001 while the

workman was posted as AG II (D) at FSD Parasa Khera, failed to maintain absolute integrity and devotion to duty. On August 1, 2001 79.18 Quintal of storage loss of rice was found amounting to Rs. 65,324 during storage period for 1 year 9 months which was quite unjustified. Thus, the workman manipulated in record and shown as it storage loss to hide his misconduct. According to the allegations against the workman, the alleged misconduct was that he manipulated in records of the storage in connivance with other depot staff and shown it as storage loss to hide his misconduct; but the findings of the Disciplinary Authority on the alleged misconduct is that losses are due to carelessness and negligence on the part of the workman, A.K. Agarwal. Thus, the findings of the Disciplinary Authority are not in commensurate with the allegations in the statement of imputations of misconduct.

15. The workman contended in his reply that the rice stock was received after 100% weightment at FSD Parasa Khera in stack No. 4A/2 and 4C/9 during the period from 1-2-99 to 21-12-99 and 1-12-99 to 21-12-99 respectively under supervision of Shri S.C. Gupta, AG-I(D) with the assistance of other staff. He has further contended that he took charge of stock of unit No. 4 along with stock of stack No. 4A/2 and 4C/9 from Shri S.C. Gupta, the then AG-I(D) on 31-8-2001 on peripheral counting of bags only; whereas the stock of stack No. 4A/2 and 4C/9 was dispatched on 27 & 28-8-2001. Further at that time he was posted at railhead to supervise the rack loading. The loading operation from stack No. 4A/2 & 4C/9 were supervised by Shri Saadat Ali, AG-II (Q) under the direct supervision of Shri, B.D. Sharma, AM(D), unit No.4. He has also contended in his reply that the stock having moisture contents between tolerance limit 14% to rejection limit 15% appropriate full value quality cut were imposed by quality control staff. This full value quality cut were recovered from the State Govt. and value so recovered from State Govt. which is 1% and adjusted against storage loss must be deducted to determine net storage loss. He also raised contention that during storage period of said rice stock the moisture contents reduced up to 11.7% in stack No. 4A/2 and 11.4% in stack No. 4C/9 in the month of May 2001 while at the time of dispatches of the stock moisture contents shown at 13% and 12.9% respectively. But the moisture content once released during storage period cannot be regained up to maximum extent. Further, storage losses also increase due to unavoidable circumstances i.e. bird trouble, poor texture of gunnies etc. Thus, the storage losses have occurred due to natural causes which are beyond the human control.

16. Upon perusal of the impugned order, it is evident that the Disciplinary Authority has not discussed the contentions raised by the workman in his reply. The Disciplinary Authority has passed following order :

"The undersigned after careful and dispassionate examination of the representation submitted by the C.O. contents of charge sheet and documents related

to the case, finds that the points of representation furnished by C.O. on abnormal storage loss in his unit are not convincing. The undersigned after considering the reasons given by C.O. for storage loss in his submission to charge sheet and also taking into account the driage due to reduction in moisture contents storage period etc. still finds that the loss to the tune of Rs. 24560.00 is monetary value remained unjustified. These losses are due to carelessness and negligence on the part of said Shri A.K. Agarwal, AG II (D) for which he should be penalized.”

In the said order it is mentioned that after careful examination of the representation, contents of charge sheet and documents related to the case, the Disciplinary Authority did not find points of representation regarding storage loss convincing, but it is not mentioned what documents relating to case were perused and on what basis he did not find the contention raised by the employee non-convincing. Further, there is no reference of any document in the statement of imputations of misconduct and as per legal proportion laid down in 1999 SCC (L&S) 429 Kuldeep Singh case Hon'ble Apex Court document not mentioned in the charge sheet cannot be considered.

17. It is also pertinent to mention that in para 04 of the statement of claim the union has alleged that there are no norm in FCI to decide the justification of storage loss. In para 07 he has pleaded that rice is a non-hygroscopic commodity and does not absorb water due to change of weather. In para 08, further pleaded that the internal moisture content plays an important role in reducing the weight of the food grain which is natural phenomenon and as such is beyond the control of the workman. Apart from this there are number of factors which are responsible for storage loss such as micro-organisms, longer period of storage, rats birds etc. In the written statement filed by the FCI, there is no categorical denial in regards to said pleadings. Similarly there no categorical denial of the averments made in para 09 to 12 in the statement of claim. Thus, impliedly admitted the averments made by the union that there are no norms to justify the storage losses and it is evident from the impugned order itself. In charge it is alleged that the storage loss to the tune of 79.18 Quintals valuing Rs. 65,324 was found which is unjustified; but in impugned order the Disciplinary Authority has imposed the penalty of recovery of Rs. 24,560 only. The Disciplinary Authority has mentioned that the loss to the tune of said amount of monetary value remained unjustified. He has not given any reasons how and on what reasons or norms he had found the loss to the tune of Rs. 24,560 unjustified and remaining as justified. The impugned order in this regard is arbitrary and non-reasoned.

18. The workman, A.K. Agarwal has stated in his statement on oath that he had taken charge of the depot on 31-8-2001 as AG.II (D) whereas shortage for which penalty of recovery had been imposed is pertaining to 28-08-2001.

19. The management of FCI has examined Smt. Santosh Bakshi, AGM to justify the impugned order passed by the Disciplinary Authority. She has stated in her cross-examination that allegations of storage loss are for the period of August, 2001 which means that the loss has occurred prior to August, 2001. She has also admitted that the workman had taken charge as AG-II (D) on 31-08-2001; But she has stated that the workman was posted in the same unit prior to 31-08-2001. Thus, it is not disputed that the workman had taken charge as AG II(D) on 31-08-2001 the workman has stated that at that time stack No. 4A/2 and 4C/9 had already been dispatched on 27 & 28-08-2001. The above statement of the Workman also finds support from paper No. 7/6 and 7/7, which reveals that stack No. 4A/2 and 4C/9 were liquidated on 28-08-2001 i.e. prior to taking charge by the workman as incharge, but the contention of the workman on this material point has not been considered by the Disciplinary Authority in impugned order. It is evident from order itself that it is non-speaking and non-reasoned order. It is not mentioned in the order that on what basis losses were found justified and unjustified. The Disciplinary Authority is duty bound to consider the contentions raised in the reply to the charge sheet and record reasons for disagreement and its findings by speaking order.

20. It is well settled legal position that the Tribunal would not interfere with the findings recorded by the Disciplinary Authority as a matter of course. The Tribunal cannot sit in appeal over the findings and assume the role of Appellate Authority. The Tribunal cannot reconsider or reappraise the evidence and substitute its own conclusion in place of conclusion arrived on record by the Disciplinary Authority unless there is violation of principle of natural justice or it is perverse.

21. In instant case, the Disciplinary Authority has not mentioned as to which documents have been considered. Further, there is no reference of any document in the statement of imputations of misconduct. The Disciplinary Authority has mentioned in the impugned order that he did not find reply convincing without assigning any reason. The said order has been passed in cursory manner. The Disciplinary Authority has also not mentioned on what basis or norm he found losses as justified or unjustified as such the impugned order is non-speaking, non-reasoned and violative of principles of natural justice and also violative of Regulation 60(1)(C) of Staff Regulations 1971, therefore, liable to be set aside.

22. In view of the above discussions the impugned order dated 14-01-2003 imposing penalty of recovery of Rs. 24,560 is unjustified. Thus, the same is set aside.

23. The reference under adjudication is answered accordingly.

24. Award as above.

Lucknow
26-11-09

N. K. PUROHIT, Presiding Officer

नई दिल्ली, 14 दिसम्बर, 2009

SCHEDULE

का.आ. 115.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं ई. सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, असनसोल के पंचाट (संदर्भ संख्या 67/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-12-2009 को प्राप्त हुआ था।

[सं. एल-22012/335/2005-आईआर(सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 14th December, 2009

S.O. 115.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 67/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure in the Industrial Dispute between the management of Bansra Colliery of M/s. ECL and their workmen, which was received by the Central Government on 14-12-2009.

[No. L-22012/335/2005-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
ASANSOL**

Present : Shri Manoranjan Pattnaik, Presiding Officer

Reference No. 67 of 2006

Parties : The Agent, Bansra Colliery of M/s. ECL, Bansra, Burdwan

Vrs.

Dy. President, Colliery Mazdoor Union, 27 G.T. Road, Asansol, Burdwan.

REPRESENTATIVES

For the Management : None

For the Union (Workman) : None

Industry : Coal State : West Bengal

Dated, the 23-09-2009

AWARD

In exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/335/2005-IR (CM-II) dated 05-09-2006 has been pleased to refer the following dispute for adjudication by this Tribunal.

“Whether the action of the management of M/s. ECL in dismissing Shri Sukumar Kora, U. G. Loader, from service w.e.f. 07-09-2003 is legal and justified? If not to what relief is the workmen entitled?”

Having received the Order No. L-22012/335/2005-IR (CM-II) dated 05-09-2006 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 67 of 2006 was registered on 25-09-2006 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

The workman nor his authorized representative nor the Union raising this Industrial dispute ever filed statement of claim and did not make their appearance at all. The management too did not take any steps apparently finding the workman's no interest for redressal. As such there is reason to find that no dispute exists and the workman is entitled to no relief. Hence

ORDERED

Let an “Award” be and same is passed as per above. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

MANORANJAN PATTNAIK, Presiding Officer

नई दिल्ली, 14 दिसम्बर, 2009

का.आ. 116.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं एस. ई. सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 40/1996) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-12-2009 को प्राप्त हुआ था।

[सं. एल-22012/197/1995-आईआर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 14th December, 2009

S.O. 116.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 40/1996) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the

Industrial Dispute between the employers in relation to the management of SECL and their workmen, which was received by the Central Government on 14-12-2009.

[No. L-22012/197/1995-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/40/96

Presiding Officer : Shri Mohd. Shakir Hasan

The General Secretary,
M. P. Koyla Mazdoor Sabha,—(HMS),
Post South J. K. D. Colliery,
Distt. Surguja (MP)

... Workman/Union

Versus

Sub Area Manager,
Ramnagar Area, SECL,
Post Jhimar Colliery,
Distt. Shahdol (MP)

... Management

AWARD

Passed on this 24th day of November, 2009

1. The Government of India, Ministry of Labour vide its Notification No. L- 22012/197/95-IR (C-II) dated 30-1-96 has referred the following dispute for adjudication by this tribunal :-

“Whether the demand of the General Secretary, M. P. Koyla Mazdoor Sabha (HMS) for regularization of the sweeping workers named in the schedule below on the roll of Ramnagar RO Hasdeo Area of SECL is legal and justified? To what relief these workers are entitled?”

2. The case of the Union/workmen in short is that the 15 workmen were engaged by the management for sweeping work in Ramnagar reorganization since 1986 and their services were utilized to keep the area round the colliery chowrahas and colliery drains in good condition under the supervision of Medical Officer. Their attendance was marked by the management personnel. The work of these workmen was of perennial nature and they were engaged in prohibited category of work. Their work was similar to the regular employees who were paid category I and II wages. These workmen is said to have been engaged directly by the SECL for sweeping work and they had completed 240/190 days in a calendar year. The regular strength of the sweeping workers were decreasing every year due to different reasons. Under the circumstances, it

is submitted that the workmen as per list attached with the reference be regularized with all consequential benefits from the date of their engagement.

3. The non-applicant/management appeared and filed reply of the statement of claim. The case of the management, inter alia, is that it is denied that Shri Ramesh Chand and 14 others were working as sweeper in Ramnagar S. A. The non-applicant had sufficient number of sweepers in its roll for sweeping and sanitation. The sweeping manpower was 31 against the project provision of 21 in 1986. The management is said to have awarded work order for removal of debris and garbage which was accumulated after sweeping by the regular employees. The contractor was required to simply lift the garbage and dispose it off at a specified place. This job cannot be construed as job of sweeping. It is stated that the management had no knowledge as to whether the contractor had utilized the service of these workmen for execution of the work order awarded to him. The management had never engaged contract labours in prohibited category of job, i.e. sweeping. The management had not appointed, taken work nor supervised the work of the so called workmen. As such, the question of less payment does not arise. It is submitted that the reference be answered in favour of the management.

4. After filing statement of claim, the Union/workmen became absent. The case was fixed for evidence of the workmen but the Union/workmen did not file any evidence. As such the then Tribunal proceeded the reference exparte against the Union/workmen on 30-8-07.

5. The only issue is as to whether the demand of the union for regularization of the sweeping workers as in the schedule, of Ramnagar, R.O. Hasdeo Area of SECL is legal and justified?

6. To prove the case, the management has examined one witness. Shri T. Samuel was working as Personnel Manager at Ramnagar Sub Area of SECL. He has stated that the so called 15 workmen were never worked as sweeper in Ramnagar sub Area. The sweeping manpower of the non-applicant was 31 as against the project provision of 21 in 1986. He has stated that the non-applicant awarded work order for removal of garbage and debris which was collected by the regular sweepers and the contractor was required to simply lift the garbage and disposed it off at a specified place. The non-applicant has filed copies of those documents in support of the work order to contractors which are MD-1 and MD-5. He has stated that the work order shows that it was only for removal of garbage within 14 days and for dumping at a particular place. He has further stated that the removal of debris and garbage and dumping it away can neither be termed as sweeping nor it is prohibited by the Ministry. His evidence clearly shows that there was no contract for labour supply. His evidence is un rebutted. There is no reason to disbelieve his evidence

His evidence clearly shows that the so called workmen were never in the employment of the non-applicant.

7. The documents filed by the management show that the management invited quotations and the work order was issued to lowest contractors for removal of garbage. Accordingly after execution of the work, the bill was submitted after completion certificate and the payment was made. These documents clearly show that none of the so called workmen were engaged in sweeping work. Thus it is clear that the demand of the union for regularization of the workmen, as in schedule, of the reference is not legal and justified. Accordingly the reference is answered in favour of the non-applicant/management.

8. In the result, the award is passed against the union/workmen without any order to costs.

9. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 14 दिसम्बर, 2009

का.आ. 117.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं ई. सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय आसनसोल के पंचाट (संदर्भ संख्या 95/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-12-2009 को प्राप्त हुआ था।

[सं. एल-22012/456/2004-आईआर(सीएम-II)]

अजय कुमार गौर, डेस्क अधिकारी

New Delhi, the 14th December, 2009

S.O. 117.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 95/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure in the Industrial Dispute between the management of Pure Searsole Colliery of M/s. ECL and their workmen, which was received by the Central Government on 14-12-2009.

[No. L-22012/456/2004-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
ASANSOL

Present : Shri Manoranjan Pattnaik, Presiding Officer

Reference No. 95 of 2005

Parties : The Agent, Pure Searsole Colliery of M/s. ECL,
Searsole Rajbari, Burdwan

Vrs.

Sri Chitta Bagdi, Devchandnagar, P. S. Jamuria,
Burdwan.

REPRESENTATIVES

For the management : None

For the union (workman) : None

Industry : Coal

State : West Bengal

Dated, the 15-09-2009

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) Government of India through the Ministry of Labour vide its letter No. L-22012/456/2004-IR (CM-II) dated 01-09-2005 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Pure Searsole Colliery of M/s. ECL in dismissing Shri Chitta Bagdi, U. G. Loader, from service is legal and justified? If not to what relief is the workman entitled?”

Having received the Order No. L-22012/456/2004-IR (CM-II) dated 01-09-2005 of the above said reference from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 95 of 2005 was registered on 09-09-2005 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

The workman nor his authorized representative nor the Union raising this Industrial dispute ever filed statement of claim and did not make their appearance at all. The management too did not take any steps apparently finding the workman's no interest for redressal. As such there is no reason to find that no dispute exists and the workman is entitled to no relief. Hence

ORDERED

Let an “Award” be and same is passed as per above. Send the copies of the order to the Government of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

MANORANJAN PATTNAIK, Presiding Officer

नई दिल्ली, 14 दिसम्बर, 2009

का.आ. 118.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं ई. सी.एल. के प्रबंधन के संबंध निोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय आसनसोल के पंचाट (संदर्भ संख्या 96/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-12-2009 को प्राप्त हुआ था।

[सं. एल-22012/464/2004-आई.आर. (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 14th December, 2009

S.O. 118.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 96/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure in the Industrial Dispute between the management of Satgram Area of M/s. ECL and their workmen, which was received by the Central Government on 14-12-2009.

[No. L-22012/464/2004-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM-LABOUR COURT, ASANSOL

Present : Shri Manoranjan Pattnaik, Presiding Officer

Reference No. 96 of 2005

Parties : The Agent, kalidaspur Project of M/s.
ECL, Bhara Kalibari, Burdwan

Vrs.

Sri Ayan Bouri, Vill. Phunberia, P.O. Samdi,
Burdwan.

REPRESENTATIVES

For the management : None

For the union (workman) : None

Industry : Coal

State : West Bengal

Dated, the 23-09- 2009

AWARD

in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) Government of India through the Ministry of Labour vide its letter No. L-22012/464/2004-IR (CM-II) dated 31-08-2005 has been

pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Kalidaspur Project under M/s. ECL in dismissing Shri Ayan Bouri, Loader, from service w.e.f. 07-01-1999 is legal and justified? If not to what relief is the workmen entitled?”

Having received the Order No. L-22012/464/2004-IR (CM-II) of the above said reference from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No.96 of 2005 was registered on 09-09-2005 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

The workman nor his authorized representative nor the Union raising this Industrial dispute ever filed statement of claim and did not make their appearance at all. The management too did not take any steps apparently finding the workman's no interest for redressal. As such there is reason to find that no dispute exists and the workman is entitled to no relief. Hence

ORDERED

Let an “Award” be and same is passed as per above. Send the copies of the order to the Government of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

MANORANJAN PATTNAIK, Presiding Officer

नई दिल्ली, 14 दिसम्बर, 2009

का.आ. 119.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं ई. सी.एल. के प्रबंधन के संबंध निोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय आसनसोल के पंचाट (संदर्भ संख्या 97/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-12-2009 को प्राप्त हुआ था।

[सं. एल-22012/490/2004-आई.आर. (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 14th December, 2009

S.O. 119.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 97/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure in the

Industrial Dispute between the management of M/s. Eastern Coalfields Limited, and their workmen, which was received by the Central Government on 14-12-2009.

[No. L-22012/490/2004-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

Present : Shri Manoranjan Pattnaik, Presiding Officer

Reference No. 97 of 2005

Parties : The Agent, Sangramgarh Colliery of
M/s. ECL, Samdi Burdwan

Vrs.

Sri Basudeb Bhandari, Electric Helper,
Sangramgarh Colliery, P.O. Samdi, Burdwan

REPRESENTATIVES

For the management : None

For the union (workman) : None

Industry : Coal State : West Bengal

Dated, the 23-09-2009

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) Govt. of India through the Ministry of Labour vide its letter No. L-22012/490/2004-IR (CM-II) dated 29-08-2005 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Sangramgarh Colliery of M/s. ECL in dismissing Shri Basudeb Bhandari, Electric Helper from services on 29-09-2002 is legal and justified? If not to what relief is the workmen entitled?”

Having received the Order No. L-22012/490/2004-IR (CM-II) dated 29-08-2005 of the abovesaid reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 97 of 2005 was registered on 09-09-2005 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the

said order notices by the registered post were sent to the parties concerned.

The workman nor his authorized representative nor the Union raising this Industrial dispute ever filed statement of claim and did not make their appearance at all. The management too did not take any steps apparently finding the workman's no interest for redressal. As such there is reason to find that no dispute exists and the workman is entitled to no-relief. Hence

ORDERED

Let an “Award” be and same is passed as per above. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

MANORANJAN PATTNAIK, Presiding Officer

नई दिल्ली, 14 दिसम्बर, 2009

का.आ. 120.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं ई. सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय आसनसोल के पंचाट (संदर्भ संख्या 30/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-12-2009 को प्राप्त हुआ था।

[सं. एल-22012/126/2005-आई.आर. (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 14th December, 2009

S.O. 120.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 30/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure in the Industrial Dispute between the management of M/s. Eastern Coalfields Limited, and their workmen, received by the Central Government on 14-12-2009.

[No. L-22012/126/2005-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

Present : Shri Manoranjan Pattnaik, Presiding Officer

Reference No. 30 of 2006

Parties : The Agent, Damra Colliery of M/s.
ECL, Kalipahari, Burdwan

Vrs.

General Secretary, Koyla Mazdoor Congress, Gorai
Mansion, G.T. Road, Asansol, Burdwan.

REPRESENTATIVES

For the management : None

For the union (Workman) : None

Industry : Coal State : West Bengal

Dated, the 23-9-2009

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) Government of India through the Ministry of Labour vide its letter No. L-22012/126/2005-IR (CM-II) dated 21-07-2006 has been pleased to refer the following dispute for adjudication by this Tribunal :

SCHEDULE

“Whether the action of the management of ECL in not providing employment to dependent Sri Madhab Bouri of Late Doman Bouri, Ex-Boiler Fireman is legal and justified ? If not to what relief the workmen is entitled ?”

Having received the Order No. L-22012/126/2005-IR (CM-II) dated 21-07-2006 of the above said reference from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No.30 of 2006 was registered on 14-08-2006 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

The workman nor his authorized representative nor the Union raising this Industrial dispute ever filed statement of claim and did not make their appearance at all. The management too did not take any steps apparently finding the workman's no interest for redressal. As such there is reason to find that no dispute exists and the workman is entitled to no relief. Hence

ORDERED

Let an “Award” be and same is passed as per above. Send the copies of the order to the Government of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

MANORANJAN PATTAIAK, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2009

का.आ. 121.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं एफ. सी. आई. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 151/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-2009 को प्राप्त हुआ था।

[सं. एल-22012/119/1997-आईआर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 15th December, 2009

S.O. 121.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 151/98) of the Central Government Industrial Tribunal-cum-Labour Court No.1, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of FCI and their workmen, which was received by the Central Government on 15-12-2009

[No. L-22012/119/1997-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRAKUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No. ID No. 151/98

Shri Pritam Chand S/o Shri Roora Ram, Village Wada,
P. O. Lakhanpal, Gurdaspur

...Applicant

Versus

The District Manager, F. C. I., Tibri Road, Gurdaspur

....Respondent

APPEARANCES

For the workman : Sri Hitesh Nagpal

For the Management : Sri Ravi Kant Sharma.

AWARD

Passed on 2-12-09

Government of India vide Notification No. L-22012/119/97-IR (C-II) dated 21-7-98 referred the following Industrial dispute under Section 10 of the Industrial Disputes Act, 1947 (the Act in short) for adjudication to this tribunal :—

“Whether the action of the management of F.C.I. in terminating the services of Shri Pritam Chand w.e.f. 31-12-94 is legal and justified? If not, what relief the concerned workman is entitled to and from what date?”

I have perused the pleadings of the parties. The main dispute which is clear from the pleadings of the parties is whether the workman Shri Pritam Chand had ever worked with the management of FCI directly or through TMC (Three Member Committee). It is the contention of the workman that he was working with the Food Corporation of India, Gurdaspur Depot as Handling labour (Palleydar) since 1979-80 continuously and regularly till his illegal termination w.e.f. 31-12-94. He was getting wages between 2000, 2500 per month at the time of his illegal termination. The payment of wages were made good to the workman through T.M.C. constituted by Sarvshri Rattan Singh, Satta Masih, and Nishan Masih in accordance with the policy of Food Corporation of India and the law laid down by the Hon'ble Apex Court. His services were terminated by the T.M.C. (three member committee) and Food Corporation of India without notice and retrenchment compensation arbitrarily. Juniors to him were retained in the services. His services were illegally terminated and four persons namely Sarvshri Dhian Masih, Sukha Masih, Gurnam Masih and Kaku Masih were appointed. Workman requested F.C.I. and T.M.C. several times but no heed was given to his request. Accordingly, vide demand notice dated 12-03-96, and industrial dispute was raised and on failure of conciliation report, this reference.

The management of respondent vide written statement contested the claim and denied all the materials facts relied upon by the workman. The employer-employee relationship was challenged with the contention that Shri Pritam Chand had never worked with Food Corporation of India or T.M.C. His name did not figure in the list of persons prepared by T.M.C. It was also contended that no junior was retained and no fresh recruit were made. The service of the workman was not terminated because he was no more in services with the Food Corporation of India.

Parties were afforded the opportunity of being heard. Shri Pritam Chand filed his affidavit. He was cross-examined by learned counsel of the management as WW1 on 02-11-04. Shri Surjit Masih, Bhagwan Dass and Shri P.K. Nayak also appeared for workman, filed their respective affidavits and they were cross-examined respectively as WW2, WW3 and WW4 by learned counsel for the management. Shri Akhilesh Yadav, Area Manager, Gurdaspur, F.C.I. filed his affidavit for management and he was cross-examined in detail by learned counsel for the workman.

All the relevant documents are on record.

I have heard the parties at length. The documents filed by the workman regarding the list of persons working

in F.C.I. through T.M.C. figure the name of one Shri Pritam Chand S/o Shri Beli Ram. The name has been highlighted and relied upon by the workman but as contended by the workman his father's name is Roora Ram and not Beli Ram. There is another Shri Pritam Chand S/o Shri Beli Ram who had worked with Food Corporation of India. It is admitted by WW1 in his cross-examination at page no. 2 in 11th line from the bottom that Shri Pritam Chand S/o Shri Beli Ram was working as Chaudhary in Food Corporation of India. It means that there is no confusion regarding another Shri Pritam Chand S/o Shri Beli Ram working in Food Corporation of India. In all the attendance register filed by the management name of Shri Pritam Chand S/o Shri Beli Ram is highlighted. In these documents there is no other name of Shri Pritam Chand S/o Shri Roora Ram.

During the course of arguments learned counsel for the workman argued that workman had worked with gang no. 2 through T.M.C. Accordingly, this Tribunal directed the management to file entire record regarding the attendance register of workers who had worked during the period in question in gang no. 2. Entire record was filed by the management and this record does not figure the name of the workman.

It is not disputed that on direction of the Hon'ble Apex Court, management of Food Corporation of India introduced the system of T.M.C. (three member committee) for payment of the wages directly to the workman on abolition of the contract system. As per the policy, the contractor was supposed to give the list of workers working under him, which provided the services to the Food Corporation of India and on the basis of that list every worker discharged the work in Food Corporation of India and was to pay the wages through a mechanism named as T.M.C. (three member committee). Learned Counsel for the workman has pressed two issues very seriously. Firstly, co-worker who is the office beare has adduced the evidence that they have seen the workman working with the management of Food Corporation of India. The second contention is that the list which was provided with by the contractor to the Food Corporation of India on introduction of T.M.C. system has not been filed by the management. On the basis of these two contentions (not doubt there are other contentions as well) the workman has requested for setting aside his termination order and directed the management for reinstating his services with back wages. The workman has relied upon on the following case laws :—

(1) R. M. Yellatti Vs. Asstt. Executive Engineer, 2006, S.C. cases (L&S) 1,

(2) U.P. State Brassware Corpn.Ltd. Vs. Uday Narian Pandey, 2006 S.C. cases (L&S) 250,

(3) Food Corporation of India Workers Union Vs. The Food Corporation of India, 1996 (4) SCT 295,

(4) Surendranagar District Panchayat Vs. Dayabhai Amarsinh, 2006, S.C.C.(L&S) 38.

(5) Manager, Reserve Bank of India, Bangalore Vs. S. Mani and Others, 2005, S.C.C.(L&S) 609.

(6) Gurbachan Singh Vs. M/s Jagyasu Re-rolling Mills and another, 2002 (4) L&S (JR) 410.

(7) Man Behal Vs. Food Corporation of India, 1993 (3) S.C.T. 56.

I have gone through all the case laws filed by the workman. In Food Corporation of India workers Unions Vs. Food Corporation of India (supra) Hon'ble the Supreme Court has dealt with the question of identity of workman. Hon'ble the Apex Court had directed that technicality should not guide the Tribunal and identity of the workman had to be tested on the basis of material on record.

It is the contention of the workman that he worked with the management of Food Corporation of India till the mechanism of T.M.C. was adopted and implemented. As per the contention of the workman he worked with the Food Corporation of India through contractor and on introduction of T.M.C. (three member committee) mechanism in F.C.I. through T.M.C. The best evidence is the list of workers maintained by the Food Corporation of India. In this list name of the workman did not figure. During course of arguments, it was informed by the workman that he was working in gang no. 2. The Food Corporation of India was directed to provide with the list of workers working in gang no. 2 during the period in question. The management of Food Corporation of India comply with the order and filed the list of workers working in gang No. 2 during the period in question. In this list as well, the name of workman did not figure.

As stated earlier that there is one more Pritam Chand S/o Beli Ram whose name figured in the list. It is admitted by the workman and all the other witnesses deposed for the workman that Pritam Chand S/o Beli Ram was another workman working with Food Corporation of India. So, there is no confusion and doubt in the name of Pritam Chand S/o Beli Ram whose name find figure in the list. In the entire list the name of Pritam Chand S/o Roora Ram did not find place.

It is also the claim of the workman that he worked through T.M.C. Thus, it is not the contention of the workman that his name was not forwarded by the contractor to the Food Corporation of India at the time of the abolition of the contract system and introduction of T.M.C. mechanism. The workman has contended that he worked under the T.M.C., was paid wages by the T.M.C. and his services were terminated by T.M.C. and F.C.I. Once the

workman has himself admitted to work that the T.M.C., the list provided by the 'Thekedar' containing the name of the workers working under him for Food Corporation of India is not too much of significance. To prove that he has worked under T.M.C. he has just produce three witnesses who allegedly to have seen him working under T.M.C. But I am unable to find out any iota of documentary evidence to provide that he had ever worked under T.M.C. mechanism. It is true that provisions of Indian Evidence Act, are not applicable in the proceedings before the Tribunal, but for adjudication of this reference on the basis of justice, equity and good conscious, the principles of evidence can be taken into consideration. The reliable evidence is the documentary evidence regarding identity and working of the workman with T.M.C. The oral contents regarding any documents come at the second stage. Entire documents have been placed on record by the management and the name of the workman did not figure. It is not the contention of the workman that the documents filed are forged and fabricated. At the cost of repetition, during arguments workman claimed that he had worked with gang No 2. This Tribunal at once directed the management to file the list of the workmen who had worked for gang No. 2 during the period in question. Entire record was filed and the name of the workman did not find figure. Thus, the cumulative effect of the oral evidence adduce by the workman and the documentary evidence place on record by the management his that the workman failed to prove his identity that he had ever worked with Food Corporation of India in T.M.C. On is failure to prove his working as the worker through T.M.C., I am of the view that there is no employer-employee relationship between the management of Food Corporation of India and the workman. Shri Pritam Chand S/o Shri Beli Ram has filed his affidavit that he worked with the Food Corporation of India and no other Shri Pritam Chand S/o Shri Roora had every worked under T.M.C. The affidavit filed by Shri Pritam Chand cannot be considered as such because Shri Pritam Chand S/o Shri Beli Ram could not be cross-examined because of his sad demise but the contents which are admitted to the workman can be relied upon and it is admitted that Shri Pritam Chand S/o Shri Beli Ram has worked in Food Corporation of India through T.M.C.

Thus, on the basis of the above observation, I am of the view that there is no employer -employee relationship between the workman and the management of Food Corporation of India. Accordingly, no question for terminating the services of the workman arises. The reference is answered as such. Let Central Government be approached for publication of award, and thereafter, file be consigned to record room.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2009

का.आ. 122.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं एस. ई. सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 18/05) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-2009 को प्राप्त हुआ था।

[सं. एल-22012/96/2004-आईआर (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 15th December, 2009

S.O. 122.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 18/05) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the management of Jamuna & Kotma Area of SECL and their workmen, received by the Central Government on 15-12-2009.

[No. L-22012/96/2004-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Case No. CGIT/LC/R/18/05

Presiding Officer : Shri Mohd. Shakir Hasan

The Joint General Secretary,
Rashtriya Colliery Workers Federation (Now RCMC)
PO Kotma Colliery,
Distt. Shahdol (MP)

... Workman/Union

Versus

The Chief General Manager,
Jamuna & Kotma Area of SECL,
PO-Jamuna Distt. Shahdol (MP)

...Management

AWARD

Passed on this 29th day of June, 2009

1. The Government of India, Ministry of Labour vide its Notification No. L- 22012/96/2004-IR (CM-II) dated 1-02-2005 has referred the following dispute for adjudication by this Tribunal :—

“Whether the action of the Chief General Manager, Jamuna & Kotma Area of SECL in not promoting Shri Nageshwar Singh from Clerk Gr-III to Gr-II before/ alongwith his juniors is fair and justified ? If not, to what relief is the concerned workman entitled and from what date ?”

2. The workman inspite of proper notice did not appear, therefore, the case proceeded ex parte against him on 4-7-07.

3. The case of the management is that the workman claimed promotion from the post of Clerk Gr. III to Gr. II w.e.f. 31-7-98 alleging that he was superseded by his juniors. It is stated that a DPC for promotion from Clerk Gr. III to Gr. II on the basis of seniority-cum-merit basis was constituted in the month of Feb. 98. The workman Shri Nageshwar Singh was rated as “Average” for the year 1995-96 by the DPC and as such his performance was not found satisfactory. The promotion is not matter of right rather it is also linked with performance. Subsequently, he was promoted to Gr. II on 31-3-99 after finding him fit. It is submitted that the award be passed in favour of the management.

4. The only issue for decision is as to whether the action of the management in not promoting Shri Nageshwar Singh from Clerk Gr. III to Gr. II before / alongwith juniors is fair and justified ?

5. To prove, the management has adduced oral and documentary evidence. Management witness Shri V. D. Bhide was working as Personnel Manager in the year 1998 at Jamuna Kotma Area. He has stated that the workman claimed promotion w.e.f. 31-7-98 but the Departmental Promotion Committee (in short DPC) had not found him fit. He has further stated that eligible candidates were promoted on the recommendation of DPC. The said DPC proceeding is marked as Exhibit M/2. The annual appraisal of the workman of the relevant period is also proved which is marked as Exhibit M/3. This shows that he was average. He has further stated that subsequently he improved his performance and was found fit by the DPC and was promoted from 31-3-99. The copy of the said promotion letter is marked as Exhibit M/4. Thus it is evident from the discussion made above that the action of the management was fair and justified. The issue is, accordingly, answered.

6. In the result, the decree is passed ex parte against the workman and in favour of the management without any costs.

7. Copy of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 16 दिसम्बर, 2009

का.आ. 123.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब एण्ड सिन्ध बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-1, चंडीगढ़ के पंचाट (संदर्भ संख्या 15/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-12-2009 को प्राप्त हुआ था।

[सं. एल-12012/172/97-आई आर (बी-II)]

यू. एस. पाण्डेय, अनुभाग अधिकारी

New Delhi, the 16th December, 2009

S.O. 123.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 15/98) of the Central Government Industrial Tribunal/Labour Court-I Chandigarh, now as shown in the Annexure, in the Industrial Dispute between the employees in relation to the management of Punjab & Sind Bank and their workman, which was received by the Central Government on 14-12-2009

[No. L-12012/172/97-IR (B-II)]

U.S. PANDEY, Section Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, I
CHANDIGARH**

Case No. I.D. 15/98

Sh. Joginder Singh,
C/o Tek Chand Sharma,
25, Sant Nagar, Civil Lines,
Ludhiana-144001.

...Applicant

Versus

The Zonal Manager,
Punjab & Sind Bank,
Zonal Office-II, Model Town,
Jalandhar-144001

...Respondent

APPEARANCES

For the workman : Shri Tek Chand Sharma

For the management : Shri J.S. Sathi

AWARD

Passed on : 19-11-2009, Ludhiana Camp Court

Central Govt. vide notification No. L-12012/172/97/IR (B-II), dated 13-1-98, has referred the following dispute to this Tribunal for adjudication;

"Whether the action of the management of the Punjab & Sind Bank in terminating the services of Shri Joginder Singh, S/o Beant Singh, w.e.f. 16-1-95

is legal and justified? If not, to what relief the said workman is entitled and from what date?"

2. Case repeatedly called. Workman is not present for his evidence. The case is already eleven years old. Despite knowledge the workman has not put up his appearance for his evidence. It appears that workman is not interested to peruse with the present claim in reference. Hence, the present claim in the reference is returned to the Central Government as not perused by the workman. Central Government be informed. File be consigned

Chandigarh,

19-11-2009, Ludhiana Camp Court

G. K. SHARMA, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 2009

का.आ. 124.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत संचार निगम लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नागपुर पंचाट (संदर्भ संख्या सीजीआईटी/एनजीपी/49/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-12-2009 को प्राप्त हुआ था।

[सं. एल-40012/211/2003 आई आर (डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th December, 2009

S.O. 124.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/NGP/49/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the Industrial Dispute between the employer in relation to the management of Bharat Sanchar Nigam Limited and their workman, which was received by the Central Government on 17-12-2009.

[No. L-40012/211/2003-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI A. N. YADAV, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. CGIT/NGP/49/2004 Dt. : 7-12-2009

Petitioner/ : Shri Laxman Balnath Jadhav,
Party No. 1 : Lohgaon Road, Sakhal Plot,
Behind Parli Railway Gate,
Opp. Dr. Dagade Hospital,
Parbhani, Tehsil & Dist,
Parbhani-431401

Versus

Respondent/ : The General Manager,
Party No. 2 : Telecom. BSNL, Kothari Complex,
Shivaji Nagar, Nanded.

AWARD

Dated : 9th November, 2009

1. The Central Government after satisfying the existence of dispute between Shri Laxman Balnath Jadhav, Lohgaon Road, Sakhal Plot, Behind Parli Railway Gate, Opp. Dr. Dagade Hospital, Parbhani (Party No. 1) and the General Manager, Telecom. BSNL, Kothari Complex, Shivaji Nagar, Nanded, (Party No. 2) referred the same for adjudication to this Tribunal vide its letter No. L-40012/211/2003-IR(DU) dated 31-5-2004 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Dispute Act, 1947 [14 of 1947] with the following schedule.

2. "Whether the action of the management of BSNL, Nanded in removing from service Shri Laxman Balnath Jadhav, Ex-Casual Driver by verbal order is legal and justified? If not, to what relief the workman is entitled?"

3. The complainant approached to the Court with the prayer to declare the action of the management BSNL, Nanded of verbal removal the complainant from the service is unjustified with consequential relief of reinstatement and regularization as a Driver with full back wages. He has contended that he was appointed by the department by giving appointment order in writing from time to time. He worked right from the day of appointment till the oral termination dt. 7-8-2001. He was engaged as a casual workman and his services were continued by the management till his removal. He worked years together and each year for 240 days continuously. However, he is not regularized by the management and finally removed him from the service. According to him, the action of continuing as a casual labour for years together is unfair labour practice and he is entitled for reinstatement with full back wages. He was not given notice pay, or retrenchment compensation while terminating the services. Thus according to him his removal is illegal and he has challenged it. He claimed reinstatement with full back wages.

The management despite the notice did not appear and resisted the claim. Therefore, the contention of the petitioner remained unchallenged and that has not been contraverted by the management. To support his claim, the petitioner has filed his own affidavit and his evidence also remained without cross-examination. From the evidence and the documents filed by the petitioner it seems that there are so many letters and certificates showing that the petitioner has worked as a Driver for more than 240 days every year. No doubt, the gaps are given to him from time to time but those gaps are artificial as stated by the petitioner. Since there is no challenge to his evidence as well as his statement of claim which are supported by the Xerox copies of the documents, there are no reasons to disbelieve it. It seems that he has worked for more than 240 days in each year. However, he is continued as a casual worker and finally he has been terminated. In my view, he

is entitled for the reinstatement. However, since he was not in regular service, he is not entitled for back wages as well as retrenchment compensation and notice pay. Hence, I pass this partly affirmative award with the specific order. He should be reinstated as a Driver on his earlier post and his service should be regularized from the date of this award. Hence this affirmative Award.

Dated : 7-12-2009

A. N. YADAV, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 2009

का.आ. 125.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत संचार निगम लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एनजीपी/77/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-12-2009 को प्राप्त हुआ था।

[सं. एल-40011/56/2003-आई आर (डी.यू.)]

सुरेंद्र सिंह, डेस्क अधिकारी

New Delhi, the 17th December, 2009

S.O. 125.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/NGP/77/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Bharat Sanchar Nigam Limited and their workman, which was received by the Central Government on 17-12-2009.

[No. L-40011/56/2003-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI A. N. YADAV, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. CGIT/NGP/77/2004, Date : 30-11-2009

Petitioner/ : The Branch Secretary.
Party No. 1 : National Federation of Telecom
Employees, M/s. BSNL, O/o Sub
Divisional Office (Phones)
Chandrapur (MS)

Versus

Respondent/ : The General Manager.
Party No. 2 : Telecom. BSNL, Behind Jayant
Talkies, Chandrapur (M.S.)

AWARD

Dated : 30th November, 2009

1. The Central Government after satisfying the existence of dispute between the Branch Secretary, National Federation of Telecom Employees, M/s. BSNL, O/o Sub

Divisional Office (Phones) Chandrapur (Party No. 1) and the General Manager, Telecom, BSNL, Behind Jayant Talkies, Chandrapur (M.S.) (Party No. 2) referred the same for adjudication to this Tribunal vide its No. L-40011/56/2003-JR(DU) dated 12-8-2004 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Disputes Act, 1947 [14 of 1947] with the following schedule.

2. "Whether the action of the management in relation to General Manager, BSNL, Chandrapur in terminating the service of Smt. Vimal Balaji Dhakate, Ex-Sweeper-cum-Water workman by verbal order instead of regularization her in service as per the decasualization policy of the department is legal and justified? If not, what is the relief to which the workman is entitled?"

3. The petitioner Smt. Vimal Balaji Dhakate approached to this Court with no prayer by filing an affidavit under the caption as a statement of claim on behalf of Party No. 1. However, Paragraph No. 11 indicates that Smt. Vimal Balaji Dhakate be ordered to be reinstated in service w.e.f. 1-1-2003 with all the consequential benefits like back wages, regularization and seniority.

4. According to her, her mother Smt. Laxmi Wd/o Mangru Somkusre was working as a Part-time Sweeper cum Water-Woman at Telephone Exchange Office at Brahmapuri District, Chandrapur since 1966 till her death in the year 1998. The pay scales of the Part-time worker were revised from time to time. Her mother has submitted an application on 20-1-1993 with a request to allow her being a only daughter as she has become old and weak and unable to discharge duties. Her application was not replied but since then the petitioner Smt. Vimal Balaji Dhakate is working as a Part-time Sweeper cum water-person with the respondent. Initially, she worked on behalf of her mother till her death on 16-1-1998 and thereafter as a regular part time worker. She has made various correspondences but no reply was given by the management. Government of India, Department of Telecom Services, New Delhi issued orders for conversion as a Part-time casual labourers working for less than 4 hours per day into full time casual labourers. Therefore her duty which was less than 4 hours per day she be treated as a full time worker and as she has completed more than 240 days, she should be given regularization as per various circulars of the Telecom Department. She complaint on 20-12-2002 to the Assistant Labour Commissioner (Central), Chandrapur. However the management Party No. 2 terminated her services by oral order w.e.f. 1-3-2003. She challenged her termination before ALC, Chandrapur. No response was received from the management. Therefore she approached to this Court with the prayer as mentioned above.

5. The management appeared and filed its written statement denying her contention that she was working as a Part-time Sweeper cum water women at Chandrapur since 1966. The mother of Party No. 1 was engaged as a Part-time Sweeper by the Party No. 2 under letter dated 21-1-1993 the

management has denied that after death of her mother, the petitioner Smt. Vimal Dhakate was working on behalf of her mother and thereafter as a regular Part-time worker with them. According to it, Smt. Vimal Dhakate was never engaged by the Party No. 2. So far as the circular and policy of the department is concerned, there are no disputes but those are not in any way helpful to the petitioner. Her claim is misleading. According to the management, the petition is not maintainable because she was not at all in the employment of the management and there are no relation as a master and a servant between Party No. 1 and 2. Her mother had worked till her death and she is paid for the same. It is admitting that on 20-1-1993 the mother of the petitioner had submitted the letter requesting to give a job to her daughter Smt. Vimal in her place. However, she was never engaged by the management. Finally, the Party No. 2 has prayed to dismiss her claim.

6. Heard the counsel for the parties perused the evidence and the documents filed by the petitioner. The petitioner examined herself while on behalf of the management Shri Purushottam s/o Tatyaji Nitnaware, Divisional Engineer (Admn) has been examined. From their evidence as well as the documents it seems that there are no dispute regarding appointment of mother of the petitioner namely Smt. Laxmi wd/o Mangru Somkusre and that she worked till her death in the year 1998. It is also undisputed that Smt. Laxmi working as a part-time Sweeper in the office at Brahmapuri. However, the disputes are regarding the appointment and the consequent upon the duties performed by Vimal Dhakate who is claiming as daughter of Smt. Laxmi Somkusre. According to Vimal Dhakate, the petitioner, she worked from 1995 to 1998 in the place of her mother Smt. Laxmi, because Smt. Laxmi being old was unable to perform her duties and after death of Smt. Laxmi she herself has worked till her termination/retrenchment. She claims that even on her own accord after the death of her mother she worked for more than 120/240 days every year and thus she has acquired the permanency. According to her, she is entitled for the permanent post of the Sweeper in the office of Respondent. She made many representations but the management turned its deaf ear towards her demand. Finally according to her, this is reason for approaching her to Labour Commissioner and consequently raising the dispute.

7. The management has denied even existence of relationship as an employee and master. According to it, the petitioner has never worked in their office either as a part-time Sweeper or during the life time of her mother Smt. Laxmi. It has admitted that the Petitioner had applied by making the representation to appoint her in the place of her mother when she was old as well as after her death. However, it was simple demand. The management claims that she never worked as a Part-time Sweeper in its office.

8. As indicated above, the Petitioner has stated as per her statement of claim and produced copies of representations made by her. The copies of representations show that it was simple demand for job/service. She had

demand a job in place of her mother before her death as well as subsequent to it. However, there is nothing on record to show that she worked at any time under the management. Only representation will not suffice to substantiate her claim. The oral evidence not supported by any documents has no value. No doubt, one forwarding letter, which is also not clear, sent by the Sub-divisional Engineer (Telecom), Brahmapuri proposing to engage a daughter of Smt. Laxmi. But, the letter does not disclose that present petitioner was engaged at any time as per her request. The forwarding letter also not indicates or supported that she was working in the place of her mother at any time. The remaining letter i.e. appointment letter is in respect of the mother of the petitioner, which are not at all helpful to Smt. Vimal to show her own appointment much less period of her working. Thus, both these documents are of no use of the petitioner Smt. Vimal to prove that she was working and she is entitled for any permanency. So far as other circular are concerned there are no dispute that as policy of management, the Part-time workers should be absorbed but the real question is whether the present petitioner Vimal Dhakate has any time worked under the management. There is no appointment order showing her appointment after the death of her mother or any documents showing the payment was made to her as a Part-time servant after the death of her mother.

9. The most important thing is that there is no sanctioned post of the Sweeper with the management. The management has in clear term stated it. When there is no sanctioned post how there can be vacancy and the engagement of the petitioner. Unless existence of vacancy on the sanctioned post is available, the regularization or absorption cannot be granted.

10. The same thing is in respect of alleged recruitment even assuming that orally she was appointed. There is nothing to show that her name was sponsored by the employment exchange or she was appointed on compassionate ground. All these thing does not arise because there was no sanctioned post and considering above facts no relief can be granted to her. There is nothing on record to show that she was retrenched at any time. In short there is not the iota of evidence to substantiate her claim of illegal retrenchment. Hence, in my view, the petitioner failed to prove the claim and the reference deserves to be dismissed. Accordingly, I pass this negative award.

Date: 30-11-2009

A. N. YADAV, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 2009

का.आ. 126.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सीनियर सुपरिन्टेन्डेंट ऑफ पोस्ट ऑफिस के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में

केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 229/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-12-2009 को प्राप्त हुआ था।

[सं. एल-40012/222/99-आई आर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th December, 2009

S.O. 126.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 229/99) of the Central Government Industrial Tribunal-cum-Labour Court, No.-I Chandigarh as shown in the Annexure, in the Industrial Dispute between the employer in relation to the management of Sr. Superintendent of Post Office and their workman, which was received by the Central Government on 17-12-2009.

[No. L-40012/222/99-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVT.
INDUSTRIAL-CUM-LABOUR COURT-I,
CHANDIGARH.**

Case No. I. D. No. 229/99

Shri Harbans Lal S/o Shri Makhan Lal C/o Shri B. R. Parbhakar, 63-C, Kailash Nagar, Model Town, Ambala (Haryana).

...Applicant

Versus

The Senior Superintendent of Post Office, Ambala Division, Ambala Cantt. (Haryana)-133001.

...Respondent

APPEARANCES

For the workman : Shri R. P. Rana

For the management : Shri Sanjeev Shrama

AWARD

Passed on 7-12-09

Government of India vide notification No. L-40012/222/99/IR(DU), dated 21-10-1999 referred the following industrial dispute under Section 10 of the Industrial Disputes Act, 1947, (the Act in short) for adjudication to this Tribunal :—

“Whether the action of the Sr. Supdt. of Post Office, Ambala Division and Asst. Sr. Supdt. of Post Office, Yamunanagar in terminating the services of Shri Harbans Lal S/o Shri Makhan Lal w.e.f. 27-06-96 is just and legal? If not, to what relief the workman is entitled?”

After receiving the reference, parties were informed. Parties appeared and filed their respective pleadings. It is

clear from the pleadings of the parties that case of the workman in nut-shell is that he was employed as EDDA in Kot Branch on 02-05-95 on a monthly salary of Rs. 900/- per month and continue to work up to 27-06-96. His services were terminated without notice or one month wages in lieu of the notice and other terminal dues against the provisions of Section 25 F of the Act. One Shri Surjit Singh was appointed by the department after termination of his services without affording him the opportunity to work. He has completed more than 240 days of work in the preceding year from the date of his termination. On the basis of the above pleadings, the workman has prayed for setting aside the order of his termination from the services and for the consequential order directing the management for reinstatement of the services of the workman along with consequential benefits.

The management appeared and denied the allegations of the workman by filing written statement. It is contended by the management that one Shri Ranbir Singh was appointed as EDDA in Kot branch w.e.f. 26-05-94 as substitute of Shri Surjit Singh. Shri Surjit Singh was removed from the services and the services of Shri Ranbir Singh were regularized w.e.f. 26-05-94. On the post of EDDA, Kot branch, vacated by Shri Ranbir Singh, Shri Sant Kumar was selected as per the rules of the department. Shri Sant Kumar joined the services but resigned and refused to work on 01-05-95. The next man in the selected list was Shri Harbans Lal and he was given the appointment. One Shri Ranbir Singh filed Original Application in Central Administrative Tribunal, challenging the selection of Shri Sant Kumar and Harbans Lal. The selection was set-aside by Central Administrative Tribunal, vide order dated 27-03-96. Against the vacant post of EDDA, the management again recruited Shri Ranbir Singh strictly as per the policy of rules and as per the directions given by Central Administrative Tribunal, vide order dated 27-03-96. Shri Ranbir Singh joined on post and the services of Shri Harbans Lal automatically terminated in view of the order passed by Central Administrative Tribunal, dated 27-03-96.

Apart from it, the management has also challenged the contention of the workman that he has the right for reinstatement into the services.

Parties were afforded the opportunity for adducing evidence. Oral evidence was recorded. Documentary evidence including order of Central Administrative Tribunal dated 27-03-96 is on record. I have perused the evidence, oral and documentary and other materials on record. Parties were heard at length. Shri Harbans Lal has not mentioned about the litigation before Central Administrative Tribunal in his statement of claim. He has even not mentioned how he was appointed to the post of EDDA. He has not mentioned that he was selected by the selection board and the selection was made strictly as per the rules of the management. He has simply mentioned in his statement of claim and affidavit that he was temporarily appointed as EDDA and had worked for 240 days continuously in the

preceding year from the date of his termination. In this reference, the workman is guilty of concealing the material facts. The management in compliance of the directions given by Central Administrative Tribunal, vide order dated 27-03-96, in Original Application No. 961/HR/95, Shri Surjit Singh vs. Union of India, in which Shri Harbans Lal is also the party as respondent No. 3, selected the candidate afresh as per the rules of the department and as per the direction given by the Central Administrative Tribunal.

The materials on record reveals it that on the basis of selection previously made by the postal department, Shri Sant Ram was at serial No. 1 for the post of EDDA and Shri Harbans Lal was next to him. Shri Sant Ram was given appointment and on his refusal, as per rules, Shri Harbans Lal who was next in the seniority list, was given the appointment. This entire process of appointment was held to be illegal by the Central Administrative Tribunal and, accordingly, was setting aside. Central Administrative Tribunal, vide order dated 27-03-96, held that till the fresh appointment as per rules and as per direction given in the order are not made the present arrangement may continue. Thus, even after declaring the selection process and appointment of Shri Harbans Lal illegal, he continued to work as per the direction given by Central Administrative Tribunal. Thus, his appointment and working with the postal department as EDDA was illegal vide order dated 27-03-96.

The postal department as per the direction of the Central Administrative Tribunal again selected the candidates on merits. As per the criteria given in the order dated 27-03-96, which was passed as per the rules of the department, Shri Ranbir Singh was selected and he was appointed as EDDA. To work as EDDA by Shri Harbans Lal was permitted by the Central Administrative Tribunal till the fresh recruitment is made. The period for fresh recruitment was also mentioned by the Central Administrative Tribunal and that was for three months. Within three months the postal department completed the selection process and one Ranbir Singh was appointed as EDDA. Accordingly, the services of Shri Harbans Lal, the workman, were automatically terminated and the postal department has not terminated his services.

The selection procedure in which Shri Ranbir Singh was selected and appointed as EDDA is not the subject matter of this reference. The virus of selection which was made as per the rules and as per the directions given by the Central Administrative Tribunal, vide order dated 27-03-96, is not the subject matter of this reference. Accordingly, the termination of the workman Shri Harbans Lal is not illegal and he is not entitled for any relief. Let Central Government be informed for publication of the award, and thereafter, file be consigned to record room.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 2009

का.आ. 127.—अद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूसरंचार

विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-I, चण्डीगढ़ के पंचाट (संदर्भ संख्या 122/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-12-2009 को प्राप्त हुआ था।

[सं. एल-40012/115/94-आई आर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th December, 2009

S.O. 127.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.122/94) of the Central Government Industrial Tribunal-cum-Labour Court, No.-I, Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 17-12-2009.

[No. L-40012/115/94-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVT.
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH.**

CASE I D No. 122/94

Shri Pritpal Singh S/o Shri Karora Singh, Vill. & P.O.
Maloya, U.T.Chandigarh. —Applicant

Versus

The District Manager, Department of Telecommunication,
Sector 18, Chandigarh—Respondent

APPEARANCES

For the workman : Shri S. P. Sharma.

For the management : Shri G.C.Babbar.

AWARD

Passed on 4-12-2009

Government of India vide Notification No. L-40012/115/94-IR (DU), dated 23-09-94 referred the following industrial dispute under Section 10 of the Industrial Disputes Act, 1947, (the Act in short) for adjudication to this Tribunal :—

“Whether the action of Department of Telecommunication in terminating the services of Shri Pritpal Singh S/o Karora Singh w.e.f. 23-7-93 is proper, legal and justified? If not, to what relief the workman concerned is entitled?”

After receiving the reference parties were informed. Parties appeared and filed their respective pleadings. On perusal of the pleadings of the parties, it is evidently clear that main dispute between the workman and the management is regarding the termination of the workman.

It is the claim of the workman that he worked continuously with the management for 256 days w.e.f. 7-10-92 to 23-7-93. He was paid wages at the rate of Rs. 42/- per month. His services were terminated on 27-7-93 without issuing any notice or one month wages in lieu of the notice and terminal dues. His termination is illegal and void being against the provisions of Section 25 F of the Act. Juniors to him Shri Mukesh Kumar and Shri Rajinder Singh were retained in the services, whereas, the services of the workman was terminated. After the termination of the services of the workman one Shri Surinder Kumar was also engaged without affording the opportunity to the workman.

Management appeared and denied all the allegations of the workman as alleged by him in his statement of claim. It was contended by the management that workman has abandoned his services and his services were not terminated by the management. It is further contended by the management that the workman has not completed 240 days of work in the preceding year from the date of his termination.

Parties were afforded the opportunity for adducing evidence. The workman Shri Pritpal Singh filed his affidavit and he was cross-examined by the learned counsel for the management in detail. On behalf of the management one Smt. Savita Rattan, Senior Accounts Officer filed her affidavit and she was cross-examined by learned counsel for the workman.

I have heard the parties at length and perused all the materials on record. Management was directed to file the relevant documents relating to the services of the workman. The management failed to file the same. Consequently, this Tribunal pass a detailed order treating the documents filed by the workman as secondary evidence.

The main issues for adjudication before this Tribunal are :—

(1) Whether the workman has abandoned his services voluntarily?

(2) Whether the workman has completed 240 days of work in the preceding year from the date of his termination?

(3) Relief, if any.

So far as issue No. 1 is concerned the management failed to file any cogent evidence regarding the surrender of the services by the workman. In very garlanding words the management has repeatedly stated in its pleadings and affidavit that workman surrendered his services. But there is no iota of evidence to prove that the workman surrendered his services. Moreover, right from the day of the termination of the services, the workman is trying to get the work, is a circumstance to prove that he has not voluntarily surrendered his services. The documents filed by the workman also corroborate the above circumstance of continuing steps by the workman to putting himself into the services. Thus, I am of the view that the workman has not voluntarily surrendered his services.

The next issue is whether the workman has completed 240 days of work in the preceding year from the date of his termination. It is the issue of facts and law both. The workman in his pleadings in para No. 2 of the statement of claim has categorically mentioned the working days from October 1992 to July 1993. In its written statement the same has been admitted by the management by stating in para No. 2 of written statement that the details of the period shown by the applicant in its para of the statement of claim are not denied. It is only contended by the management that from 23-07-93 the workman did not come for the work. On this fact the Tribunal has given the finding while adjudicating the issue No. 1. The management has also challenged the process of appointment of workman by stating that no appointment letter was given to the workman and his appointment was not as per the procedure laid down in the rules. Management has also linked it with the regularization of the services of the workman. In my view, these two issues are separate and distinct. The workman was working on daily wage basis is admitted to the management. The Industrial Disputes Act also protect the services or any other right relating to the services of a daily waged worker. The Act never prohibits the termination of any daily waged worker, but it regulates the termination. The Act regulates the termination in the sense that if management desire to terminate the services of a daily waged worker, it has to follow the procedure laid down in the Act. Meaning thereby, one month notice or one month wages in lieu of the notice and legal terminal dues are legal pre-condition for termination of any daily waged worker. If the management has not done so, it is not open to the management to raise the issue of illegality of his initial appointment as daily waged worker and regularization of the services. Regularization of services is also a distinct issue and has no nexus with the reference which is to be answered in this industrial dispute. In this reference the legality of the termination order is in question and not the regularization of the services of the workman. Even if the termination order is held to be illegal, it does not give any power and jurisdiction to this Tribunal to pass an order on regularization of the services of the workman.

As stated earlier, at the cost of the repetition, the management has admitted period for which the workman has alleged to work with the management. If the period is calculated, it comes to more than 240 days. For few months the workman has worked almost for 30 days and for rest of the days he has worked 27 days, 26 days or 28 days etc. Thus, breaks in between the period (Sundays and holidays) as per the present law of service jurisprudence shall be counted while calculating the working days of the workman.

The documents on record proved, that workman was directly working with the management. He was appointed by the management. He was under the administrative control of the management and was paid wages by the management. No doubt, in cross-examination, the witness of the management has challenged, the genuineness of the documents (photocopies) filed by the workman. But this Tribunal vide order dated 03-08-2006 has made it clear that

photocopies of the documents filed by the workman shall be read over and considered as secondary evidence. Moreover, the management was given opportunity for filing the documents in original. Without explaining any reasons the management could not file the documents. It was the only explanation given by the management that documents are not traceable. It was not the case of the management that documents have been weeded out as per the rules. Under such circumstances, where it was the duty of the management to preserve the documents during the pendency of this dispute and to file the same in original, adverse inference shall also be taken by this Tribunal on failure of filing the same. The nature of the adverse inference as per the settled law of services jurisprudence is that it shall be presumed the workman has completed 240 days of work- in the preceding year from the date of his termination. Thus, on both of the counts namely taking adverse inference on account of failure of the management to file original document and considering the documents filed by the workman as secondary evidence, I am of the view that workman has completed 240 days of work with the management in the preceding year before the date of his termination.

It is admitted that no notice or one month wages in lieu of the notice or terminal dues were given to the workman before the date of his termination. It renders his termination illegal and void being against the provisions of the Act. When the termination of the services of any workman is declared null and void being against the provisions of the Act, there remains two remedies available. The first remedy is reinstatement of the workman with or without back wages and the second remedy is a reasonable compensation. It is the settled principle of service jurisprudence that priority should be given for reinstatement of the workman into the services. In exceptional cases a reasonable compensation may also be awarded to the workman. In *Dhani Ram Vs. Presiding Officer, Labour Court, Faridabad* 2007(1), S.C.T 5, Hon'ble the Supreme Court has held that reinstatement of the workman in the services is also possible. Recently Hon'ble the Apex Court in *New India Assurance Company Ltd. Vs. Sankaralingam* 2008 (10) S.C.C., 698 has upheld the relief of reinstatement of a part time sweeper-cum-waterman. Thus, I am of the view that workman considering the facts and circumstances of the case, is entitled for his reinstatement into the services. It is also made clear that he is also entitled for the benefit of circular letter, G-2/P/T Staff/Approval/1625, dated 21-05-1993 regarding recruitment to the cadre of regular Mazdoor, group 'D', if he is otherwise eligible after his reinstatement into the services. Considering the facts and circumstances of the case, I am of the view that workman shall also be entitled for 50 per cent of back wages. The management is directed to reinstate the workman, payment of 50 per cent of wages and to give the benefit of above mentioned circular letter within one month from the publication of the award. Let Central Government be informed for publication of award, and thereafter, file be consigned to record room.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 2009

का.आ. 128.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री फार्म के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 136/91) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-12-2009 को प्राप्त हुआ था।

[सं. एल-14012/3/91-आई आर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th December, 2009

S.O. 128.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 136/91) of the Central Government Industrial Tribunal cum Labour Court, No 1 Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Military Farm and their workman, which was received by the Central Government on 17-12-2009.

[No. L-14012/3/91-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1
CHANDIGARH**

Case No:—ID No. 136/91

Shri Prem Pal S/o Shri Ram Dass C/o Shri K. R. Tripathi,
H. No. 32, Street-Kumtewali, Delhi Gate, Ferozepur City.
Applicant

Versus

The Officer Incharge, Military Farm, Ferozepur Cantt.
Punjab. Respondent

APPEARANCES

For the workman : Shri T.C. Sharma

For the management : Shri K.K. Thakur

AWARD

Passed on :—4-12-09

Government of India vide notification No. L-14012/3/91-IR (DU), dated 27-09-91 referred the following industrial dispute under Section 10 of the Industrial Dispute Act, 1947 (the act in short) for adjudication to this Tribunal :—

“Whether the action of the Officer-In-Charge, Military Farm, Ferozepur Cantt. Punjab in terminating the services of Shri Prem Pal S/o Shri Ram Dass Casual worker w.e.f. 20-05-90 is justified? If not, to what relief is the workman entitled?”

After receiving the reference, parties were informed. Both of the parties appeared and filed their respective pleadings. On opportunity provided by this Tribunal, oral and documentary evidence was recorded filed. I have gone through the pleadings and evidence of the parties. The main dispute between the management of respondent Military Farm and the workman is whether the workman has voluntarily abandoned his services on 20-05-90 or his services were terminated by the management of respondent?

It is the contention of the workman that he worked as temporary worker with the management of respondent Military Farm from 04-04-87 to 20-05-90. He has completed 240 days of work in the preceding year from the date of his termination. His services were terminated without notice or one month wages in lieu of notice and without terminal dues.

The management of respondent Military Farm challenged the contention of the workman by filing written statement. It was contended by the management that the services of the workman were not terminated, but he has voluntarily abandoned his services on disclosure of the fact that he has mentioned wrong date of birth at the time of his appointment by the management of Military Farm. It was further contended by the management that there was some fabrication in the document relating to the date of birth of the workman and on disclosure of this fabrication, workman voluntarily abandoned his services.

On perusal of the evidence on record, it is evident that services of the workman were terminated by the management on the ground of his date of birth. As per the contention of the management the actual date of birth of the workman was 01-02-1972, whereas, he shown the date of birth in his transfer certificate as 01-02-1970. At the time of appointment, xerox copy of certificate was provided with and there was a cutting in figure zero(0) in his date of birth. The figure two (2) in 1972 was fabricated as figure zero(0). The Military Farm conducted an enquiry. Letter was issued to the college concern. Certificate of the college is on record showing the date of birth of the workman as 01-02-1972 instead of 01-02-1970. When the workman was asked to explain and police authority were approached for taking necessary action on fabricated document, workman preferred to file his affidavit and the affidavit of his father. In affidavits this fact was narrated by the workman and his father that the date of birth of the workman is 01-02-1970, but wrongly it was mentioned as 01-02-1972, in the records of the school. The workman said it to be a clerical mistake. It is undoubtedly true that workman admitted his date of birth as 01-02-1970 and also admitted the date of birth entered into the documents of the school as 01-02-1972. It is consequently admission of the workman that he fabricated figure two (2) to make it zero (0) in the document which was provided with to the management at the time of his appointment. But the affidavits filed by the workman

were not considered by the management and the affidavits remain as such.

One fact has emerged before the Tribunal that during conciliation proceedings before ALC/Conciliation Officer, the management offered for absorption of the workman as group 'D' employee without back wages. The workman refused the offer.

Regarding the status of the temporary employee, it is also the law of services jurisprudence that if misconduct is alleged against him a proper enquiry should be conducted by the management before terminating his services. It is true that enquiry was conducted but it is a half journey made by the management and without proper enquiry report and without conducting the enquiry as per the procedure laid down in the rules of the Military Farm, services of the workman was terminated. That seems to be the reason that management agreed for providing the services to the workman against any of the group 'D' vacancy without back wages. The management was very much right in approach. It may be the adamancy of the workman, ill advice or some other cause that he refused to the offer for group 'D' services. Accordingly, I am of the view that partial enquiry was conducted by the workman instead of full and as per the offer given by the management to the workman for providing him the services against any group 'D' vacancy, the parties has a right to agitate the same process before this Tribunal as well.

The Industrial Disputes Act came into force for specific purpose. The specific purpose for constituting this Labour Court and the office of the Conciliation Officer is to protect the interest of labour which is an important class of Indian democracy against the arbitrariness of management. There is a socio-economic disparity and imbalance between the management and the workman and duty of the Tribunal is to balance it, subject to the provisions of the law. The Tribunal has to see that management should not be in the position because of his sound socio-economic condition to suppress the rightful wish and desire of the workman. No doubt, in this case it is the fault of the workman. He should have not filed the such document. But the management without conducting proper enquiry terminated the services of the workman. As stated earlier, at the cost of the repetition, even in the case of the temporary employee, if misconduct is alleged against him, his services could not be terminated without conducting a proper enquiry and without affording the proper opportunity of being heard. The enquiry was partially conducted and the management tried to rectify it by making an offer of appointment of the workman against any group 'D' vacancy without back wages. Reasons may be several but this offer could not materialized. This offer of the management has to be considered with the same spirit for which the Industrial Disputes Act was enacted and this Tribunal was constituted under its provisions. Meaning thereby, there should be a liberal construction of any clause of the pleadings while interpreting it. The management has specifically admitted that he offered the services to the

workman against any group 'D' vacancy and in my opinion that offer has not yet been withdrawn by the management and still exists. On perusal of the entire materials on record there is no iota of evidence that management had withdrawn or has any intention to withdraw the offer he made to the workman before Conciliation Officer. Accordingly, I am of the view that the termination of the workman without conducting the proper and reasonable enquiry was illegal. The workman has not voluntarily surrendered his services but he was terminated from the services by the management. As per the offer given by the management, workman is entitled for his absorption against any group 'D' vacancy in Military Farm.

This Tribunal regrets to answer this reference after 19 years. This Tribunal received this reference in the year 1991, but could not answer the reference in 19 years which is against the spirit of Industrial Disputes Act. The only occasion left for me as Presiding Officer of this Tribunal is to regret for denying timely justice.

Accordingly, the reference is answered that workman has not voluntarily surrendered his services. His termination is illegal. He is entitled for absorption against any group 'D' vacancy as purposed by the management. The management is accordingly directed to pass the suitable order regarding absorption of services and reinstate the workman into the services within one month from the date of publication of the award. On the basis of the facts and circumstances of the case, I am of the view that straight exchequer should not be burdened where any workman has not contributed toward his responsibility to work. There was an offer of the management to provide him the services against any group 'D' vacancy to which the workman refused. Accordingly, the workman shall not be entitled for the back wages. Let Central Government be informed for publication of award, and thereafter, file be consigned to record room.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 2009

का.आ. 129.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केंद्रीय सरकार भारत संचार निगम लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केंद्रीय सरकार औद्योगिक अधिकरण नं.-11, मुम्बई के पंचाट (मंदर्भ संख्या सीजीआईटी-2/38 ऑफ 2005) को प्रकाशित करती है, जो केंद्रीय सरकार को 17-12-2009 को प्राप्त हुआ था।

[सं. एल-40012/127/2004 आई. आर. (डी.यू.)]

सुरेन्द्र सिंह, डेप्ट. अधिकारी

New Delhi, the 17th December, 2009

S.O. 129.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT-2/38 of 2005) of the Central Government Industrial

Tribunal No. II, Mumbai as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Bharat Sanchar Nigam Limited and their workman, which was received by the Central Government on 17-12-2009.

[No. L-40012/127/2004-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II AT MUMBAI

Present : A.A. LAD, Presiding Officer

Reference No. CGIT-2/38 of 2005

Employers in relation to the management of M/s. Bharat Sanchar Nigam Ltd.

The General Manager,

M/s. Bharat Sanchar Nigam Ltd.

G- Telecom Distt.

G- Sanchar Bhavan, EDC plot No. 3,

Panaji, Goa-403 301

Pai

...First

AND

Their Workman

Shri Suwas B. Pednekar,

House No. 105, Takir Waddo,

P.O. Cansaulim, Velsao, Goa

...Second Party

APPEARANCES

For the Employer : Mr. R.A.S. Kharangate, Advocate

For the Workman : Through Representative Mr. P. Gaonkar

Date of Reserving Award : 19-08-2009.

Date of Passing of Award : 18-11-2009.

AWARD

The reference is sent to this Tribunal by the Under Secretary of the Government of India, Ministry of Labour by its Order No.L-40012/127/2004-IR(DU) dated 22nd December, 2004 in exercise of the powers conferred by Clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947, have referred the following Industrial Dispute to this Tribunal for adjudication :

"Whether the action of the management of BSNL, Goa in terminating the services of Sh. Suwas B. Pednekar, w.e.f. February, 2004 is legal and justified? If not, to what relief the workman is entitled to?"

2. Claim Statement is filed by 2nd Party at Exhibit 6 making out the case that, he worked with 1st Party since January, 2002 in their Telephone Exchange at Cansaulim - Salcete Goa. He states that, his duty hours were between 9.00 a.m. to 5.00 p. m. daily and he worked for more than 240 days. He states that, his duties were allotted by JTO (Junior Telecom Officer) and in his absence by SDO (Sub-Divisional Officer). He states that, his salary was paid every month by JTO and in his absence by SDO. His duty was to attend complaints of customers recorded in the Complaints

Book maintained by 1st Party. Besides said work, he was supposed to attend the work of Technicians e.g. Main Distribution Frame (MDF) and Generator Operation. He states that, since June, 2002 to September, 2003 he was allowed to sign the muster roll maintained in the Telephone Exchange by Cansaulim Telephone Exchange. He states that, due to change in officers, new officer did not permit him to report on duty and he was not allowed to sign the muster from October, 2003 to January, 2004 though he was attending complaints and doing work as usual. He states that, from February, 2004 he was not allowed to even report on duty. He states that, workman by name Lamani is engaged in his place. It is stated that, without following due process of law he was terminated. It is stated that, since he completed 240 days he became permanent employee of the 1st Party and 1st Party cannot terminate him without following due process of law. It is submitted that, the said act of the 1st Party in refusing him to report on duty from October, 2003 be treated as termination and direct 1st Party to reinstate him with benefits of back wages and continuity of service.

3. This is disputed by 1st Party by filing written statement at Exhibit 8 stating and contending that, the reference is not maintainable as there is no employer-employee relationship between the 1st Party and the 2nd Party. It is stated that, 2nd Party was never appointed by 1st Party. It is stated that, no recruitment rules were followed in allowing 2nd Party to work in the establishment of the 1st Party. Since there is no employee-employer relationships between the parties, question of termination does not arise. It is stated that, 2nd Party worked with 1st Party through Contractor who might have terminated the services of the 2nd Party. Since 2nd Party was not appointed by 1st Party and since he is contract workers, he cannot seek any relief against 1st Party. It is denied that, he was attending work regularly. It is denied that, he worked for more than 240 days. It is denied that, he is entitled to reinstatement with benefit of back wages and continuity of service. It is denied that, he is employee of the 1st party. It is denied that, 1st party terminated his services. It is stated that, the contractor might have asked the concerned workman not to report on duty and for that 1st Party cannot be held answerable for alleged termination. It is stated that, since 2nd Party was neither appointed nor terminated by the 1st Party, the question of seeking any relief against 1st Party does not arise. So it is submitted that, Reference be rejected.

4. 2nd Party filed rejoinder at Exhibit 12 simply denying the contentions taken by 1st Party in written statement parawise and prayed to reinstate him with benefit of back wages and continuity of service.

5. In view of the above pleadings following Issues were framed at Exhibit 27 which Answer against them :

ISSUES FINDINGS

1. Whether Second Party was Employed by First Party? Yes
2. Whether there was Employer-Employee relationship between them? Yes
3. Whether Second Party was terminated by First Party? Yes

- | | |
|--|----------------------------|
| 4. If yes, whether said termination is just? | No |
| 5. Is Second Party entitle for Relief, if any? | Yes |
| 6. What order? | As per order Passed below. |

REASONS :

ISSUES Nos. 1 & 2 :

6. Second Party claims that, he was terminated by 1st Party. Whereas case of the 1st party is that, 2nd Party is not employee of it and is a employee of the Contractor. It is case of the 1st Party that, he was neither appointed by 1st Party nor terminated by it. Whereas 2nd Party claims that, since he worked for 1st party and attended work of it he is employee of the 1st Party and he was removed by new officer without reason and without following due process of law.

7. To prove that, 2nd Party placed reliance on the affidavit filed at Exhibit 32 in lieu of his examination-in-chief where he makes out the same story as made out the Claim Statement. In the cross he admits that, no appointment order was given to him by the 1st party. He also admits that, he was not called for interview. He admits that, no recruitment rules were followed while selecting him. He admits that no officer was signing the muster roll. He claims that, JTO (Junior Telephone Officer) has signed on page 14 of Exhibit 28 of muster roll. He denies that, he was reporting though Contractor and Contractor was regulating his activities. He denies that, he is contract worker and claims that, he is employee of the 1st Party. On that 2nd party closed his evidence by filing closing purshis at Exhibit 36. Against that, 1st Party led evidence of its witness Raikar by filing his affidavit at Exhibit 39 in lieu of his examination-in-chief who denies the relationship of 1st Party with 2nd Party and states that, 2nd Party cannot seek any relief against 1st Party. In the cross he admits that he was not supposed to know working of the concerned workman working though contractor. He admits that, the concerned workman was working with Kasavali Exchange. He admits that, there is no Supervisor of Contractor to supervise the working of 2nd Party. Then 1st Party closed its evidence filing closing purshis at Exhibit 41.

8. Heard both and perused the proceedings.

9. Here 2nd Party claims that, he is workman of the 1st Party whereas 1st Party claims that, he is not and is a workman of contractor. As far as working of 2nd Party for 1st party is concerned, it is not seriously challenged. Even bunch of documents produced by 2nd Party with Exhibits 26 and 28 shows that, 2nd Party worked for 1st party for more than 240 days and did the work of the 1st Party. Even case of the 1st Party that, he is the contract worker. However, no evidence is led by the 1st Party to show that, 2nd Party was engaged by particular contractor and he worked with 1st Party through contractor. Even no attempt is made to call such contractor to support its case.

10. Here 2nd Party claims that, he is direct employee of the 1st Party and whereas 1st party claims that, he is

contract worker. When admittedly 2nd Party is working with 1st Party and for 1st Party and claims that, he is employee of the 1st Party, then burden shifts on the 1st Party to show that, he is contract worker and not its employee. As far as this aspect is concerned, no evidence of any type is led by 1st Party to show that, 2nd Party was engaged by the contractor and was working with 1st Party through contractor. Even no evidence is shown by 1st Party that, 2nd Party was paid by the contractor or supervised by the Contractor and not by the 1st Party. In fact 1st Party is well established office and might have maintained record on its case regarding employment of the 2nd Party to show that, he was engaged through Contractor. But here unfortunately no evidence is led of any type by the 1st Party to show that, this workman was introduced by contractor and is contract employee. Besides it is not case of the 1st Party that, Central Government allowed contract workers in that area.

11. Here work done by the 2nd Party is the work of attending complaints. Definitely said work is of 1st Party. Even work done by him of attending complaints is not disputed by 1st Party. When 2nd party attended the complaints for 1st Party and getting work from 1st Party and when no evidence is there of any type lead by 1st Party to show that, 2nd Party worked with 1st party through contractor, or as contract employee, definitely said relations required to treat as of direct relations with 1st Party as he is the employee of the 1st Party. When 2nd Party is under the control of 1st Party and when he worked for 1st Party as well as attended work of 1st Party and when there is no supervisor of the contractor as admitted by the 1st Party's witness once has to conclude that, he is employee of the 1st Party. Even number of documents are produced by 2nd Party reveals that, 2nd Party worked as the Complaints Attendant and attended said complaints for the 1st Party which in my considered view, lead to treat 2nd Party as workman of the 1st party and not the workman of the contractor.

12. Here 1st Party has claimed that, 2nd Party is contract employee but as stated above no evidence is led. Even no contractor is called for and produced to show that, this employee is contract employee of a particular contractor. Even no contract is produced on record to show that, through particular contractor he was supplied to 1st Party. On all these counts 1st Party is silent. Against that, 2nd Party succeeds in showing that, he worked for 1st party as complaints attendant and worked in Kasavali Telephone Exchange lead us to conclude that, 2nd Party is employee of the 1st party and worked for 1st party directly under its control. When 2nd Party worked under control of 1st the Party and when his services were utilized by 1st Party though there is no direct appointment letter or interview was sought to fill in the post, in my considered view, the way in which services of the concerned workman were utilized by the 1st Party require to treat 2nd Party as employee of the 1st party and that relation does not show any other than the employer-employee relationship between the 1st Party and the 2nd Party. So I observe that, 2nd Party is the workman of 1st Party and there employer

employee relations exists between them. Accordingly I answer these issues to that effect.

ISSUE No. 3 :

13. 2nd Party claims that, he was prevented from reporting on duty from February, 2004. Even in the depositions he states that, when new officer came there, he was prevented by him from reporting on duty. As far as this aspect is concerned it is not seriously challenged by 1st Party. Witness of the 1st party says that, he does not know whether his contractor asked him not to report on duty. There is no specific contract brought on record and as to who was the contractor and under whom 2nd Party was working and who stopped 2nd Party, as such it does not permit 1st Party to say like that. Mere say of the 2nd Party that, new officer prevented him from reporting on duty is sufficient and when is not seriously challenged by 1st party, and not disputed by 1st party it lead me to conclude that, instructions given by new officer to 2nd Party, not to report on duty is nothing but "termination" as observed by Apex Court while deciding case of H.D. Singh vs. Reserve Bank of India and ors. published in I SCLJ 1984-93 page 601. Nothing is produced by 1st Party about the contractor and his action or his control over 2nd Party, then story made out by the 2nd Party require to believe in the eyes of law on facts of this case. So I conclude that, instructions of the officer of the 1st party not to report the 2nd Party on duty is nothing but termination. So I answer this issue to that effect.

ISSUE No. 4:

14. While instructing 2nd Party not to report on duty, no procedure is followed. It is to be noted that, 2nd Party worked for more than 240 days. Even number of citations produced by 2nd Party's Advocate published in I LLJ 2001 page 742 in the case of Deep Chandra vs. State of U.P. and anr., Citation published in II CLR 2003 page 233 in the case of S.M. Nilajkar and ors vs Telecom, District Manager, Karnataka, Citation published in III LLJ 1993 page 714 in the case of Rattan Singh vs. Union of India and anr., Citation published in Nov. CLR 2008 page 588 in the case of Divisional Manager, New Indian Assurance Co. Ltd. vs. A. Sankaralingam, Citation published in Jan. CLR 2009 page 146 in the case of K. Raj Arora vs State Bank of India and ors., Citation published in Feb. CLR 2007 page 386 in the case of Municipal Corporation, Jabalpur vs Om Prakash Dubey, citation published in CLR 2009, page 713 in the case of District Programme Co-ordinator Mahila Samkhija and anr. Vs. Abdul Kareem and anr., Citation published in Feb CLR 2007 page 532 in the case of State of M.P. and ors. vs .Lalit Kumar Verma, citation published in June CLR 2008 page 265 in the case of Mahindra & Mahindra Ltd., Nagpur vs. Avinash D Kamble and anr. reveals that, employee of this type is entitled for protection. Even it is observed that, part-time worker is a permanent employee of the establishment and as such a part-timer can be terminated without following due process of law. Since he is seeking protection under Industrial Disputes Act, 1947 and when admittedly no notice is given by Competent Authority and admittedly when 2nd Party worked for more than 240 days with 1st Party, in my considered view, action taken by 1st

Party in stopping him not to report on duty is nothing but termination. Besides admittedly no notice is given nor any compensation is paid while asking him not to report on duty definitely said act is illegal. So I observe that it is illegal termination.

ISSUE No. 5 :

15. When 2nd Party succeeds in showing that, he worked for more than 240 days in a calendar year and was terminated without following due process of law in my considered view he is entitled for reinstatement with continuity of service as claimed by 2nd Party since he worked with 1st party from January 2002 till January, 2004 as a Complaints Attendant. He worked for 1st Party. All this in my considered view does not permit 1st Party to terminate his employment as happened in this case. All this reveals that, he is entitled to be posted on his post and ought to have been permitted to work on the said post. Besides observations made by Apex Court while deciding case of S.M. Nilajkumar & ors vs Telecom, District Manager, Karnataka where it is observed that, if any section is closed and worker of this type are engaged in other section who are not considered also require to consider by the employer before recruiting new employee in that section. Here 2nd Party claims that, in his place new person namely Lamani is appointed. As far as that case is concerned it is not disputed by 1st Party and when 2nd Party has specifically claimed that, one person by name Lamani is engaged in his place, in my considered view preference require to given to 2nd Party. As far as that is concerned the observations made by Apex Court in the case referred above (Supra) I am observing that, the 2nd Party is entitled for absorption. So I answer this issue to that effect.

16. 2nd Party claims back wages and continuity of service. As far as back wages are concerned 2nd Party challenged this act of the 1st Party in 2004-05 about his alleged termination. However, it appears that, since the concerned workman did not work for 1st Party from that date i. e. February, 2004, he is not in touch with 1st Party. Besides, 1st Party is Government undertaking and it is not desirable to ask 1st party to make the payment of back wages to the 2nd Party in his absence and when did not work from February, 2004 till this moment, which does not find it proper to ask 1st Party to pay for the 2nd Party the back wages.

17. In view of the discussions made herein above I passes the following order :

ORDER

- (a) Reference is partly allowed ;
- (b) 1st Party is directed to take 2nd Party i.e. Suwas Pednekar on his post on which he was working and permit him to work ;
- (c) as far as prayer of the 2nd Party for back wages is concerned, it is rejected ;
- (d) no order as to its costs ;

Bombay, 18th November, 2009

A. A. LAID, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 2009

का. आ. 130.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मलेरिया रिसर्च सेन्टर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एलसी/आर/151,152 एवम् 177/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-12-2009 को प्राप्त हुआ था।

[सं. एल-42012/117,115,116/95-आईआर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th December, 2009

S. O. 130.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.CGIT/LC/R/151,152 & 177/96) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Malaria Research Centre and their workman, which was received by the Central Government on 17-12-2009.

[No.L-42012/117,115,116/95-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Presiding Officer : Shri Mohd. Shakir Hasan

No. CGIT/LC/R/151/96

Shri Shiv Kumar Dubey,
S/o Shri Teerat Prasad, Qr. No.1928/21,
Lalmati, Sidhbaba Road,
Jabalpur ... Workman

Versus

The Director,
Malaria Research Centre,
22, Samnath, Delhi

The Officer Incharge,
Malaria Research Centre,
Medical College Building,
Jabalpur ... Managements

No. CGIT/LC/R/152/96

Shri Sushil Kumar Khanna, S/o Shri R.N. Khanna,
Ranjhi, Purani Basti,
Gowshala ke peeche,
Sethi Bhawan ke paas,
Jabalpur ... Workman

Versus

The Director,
Malaria Research Centre,
22, Samnath, Delhi

The Officer Incharge,
Malaria Research Centre,
Field Station,
Medical College Building,
Jabalpur ... Managements

No. CGIT/LC/R/177/96

Shri Suresh Chandra Ratre, S/o Shri S.L. Ratre,
Radhesam Temple ke samne,
Galla Mandi, Sihore ... Workman

Versus

The Director,
Malaria Research Centre,
22, Samnath, Delhi

The Officer Incharge,
Malaria Research Centre,
Field Station,
Medical College Building,
Jabalpur ... Managements

AWARD

Passed on this 9th day of December, 2009

1. (a) The Government of India, Ministry of Labour vide its Notification No. L-42012/117/95-IR(DU) dated 26th July 1995 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the management of Malaria Research Centre (Indian Counsel of Medical Research) Field Station, Medical College Building, Jabalpur in terminating the services of Shri Shiv Kumar Dubey, Chowkidar is justified? If not, to what relief is the concerned workman entitled for?”

- (b) The Government of India, Ministry of Labour vide its Notification No.L-42012/115/95-IR(DU) dated 26th July 1996 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the management of Malaria Research Centre (Indian Counsel of Medical Research)

Field Station, Medical College Building, Jabalpur in terminating the services of Shri Sushil Kumar Khanna is justified? If not, to what relief is the concerned workman entitled for?"

(c) The Government of India, Ministry of Labour vide its Notification No. L-42012/116/95-IR(DU) dated 30-8-96 has referred the following dispute for adjudication by this tribunal :—

"Whether the action of the management of Malaria Research Centre (Indian Council of Medical Research) Field station, Medical College Building, Jabalpur in terminating the services of Shri Suresh Chandra Ratre is justified? If not, to what relief is the concerned workman entitled for?"

2. In all the three references, common question of laws and facts are involved for adjudication. As such, all references are taken up together for a common award.

3. In all the three references, the case of the workman in short is that the workman Shri Suresh Chandra Ratre was appointed as a Lab Technician vide order dated 11-3-88 in I.D.V.C. Project, Malaria Research Centre, field station, Jabalpur with conditions that the appointment was purely temporary on adhoc basis and was co-terminable with the scheme/project or as long as the incumbents services were required in connection with this very scheme. The workman Shiv Kumar Dubey and Sushil Kumar Khanna were also appointed as Chowkidars in the same project vide order dated 31-1-89 and 27-8-82 respectively. While the workmen were in service, the non-applicant/management issued order of termination separately to these workmen on the ground that their services were no longer required. It is stated that their services were terminated without showing reason, nor any notice was given nor any compensation was paid. It is stated that Malaria Research Centre, Jabalpur where the workmen were working comes under the definition of "Industry" and the termination was not on the grounds enacted under Section 2(oo) of the Industrial dispute Act, 1947 (in short I.D. Act, 1947). In the instant case, the workmen were not terminated after complying the provision of Section 25-F of the I.D. Act, 1947 and therefore the order of terminations are bad in law, illegal and void-ab-initio. It is stated that the project is still continuing and the termination of the workmen during the continuation of the project is illegal and arbitrary. It is stated that the workmen are entitled to be reinstated with back wages. Accordingly the reference be answered in favour of the workmen.

4. The non-applicants/management appeared and filed Written Statement separately in each reference. The case of the non-applicants, inter alia, is that admittedly the

workmen were appointed on adhoc temporary basis on the specific conditions that they would have no claim to appointment to the post and their services would be terminated at any time without any notice. The appointment was co-terminus with the life of the Project. The several workmen were terminated. One Smt. Saxena, Lab Technician was also terminated who challenged the order of termination before the Hon'ble High Court of M.P. At Jabalpur by filing Writ Petition No. 2489 of 1995. (Smt. Kiran Saxena versus Union of India) where the Hon'ble Court was pleased to hold that there is no applicability of the provision of Sec-25-F of the I.D. Act, 1947 and the termination of such employee does not fall within the term of "retrenchment" as defined under Section 2(oo) of I.D. Act and dismissed the writ application. Another employee Narendra Dutta Armo who was Chowkidar in the said project, was also terminated. He had also preferred Writ Petition 2539/95 before the Hon'ble High Court of M.P. At Jabalpur against the termination order. This writ is also dismissed vide order dated 7-4-1997.

5. The further case of the non-applicants/management is that the activities in the project of Malaria Research Centre, field office, Jabalpur are neither commercial in nature nor business like and therefore it, not an Industry within the meaning of Section 2(j) of the I.D. Act, 1947. The workmen are not entitled to any retrenchment compensation under the provision of Section 25-F of the I.D. Act, 1947. It is stated that the project was in fact over in 1995 and it was in the process of winding up and skeleton staff is kept for the purpose of winding up of the field station. The termination of services did not come within the definition of "retrenchment" under Section 2(oo) of the I. D. Act, 1947 and therefore Section 25(F) of the I. D. Act is not applicable. It is denied that Junior employees were retained at the time of termination of other employees. It is submitted that references be answered accordingly.

6. On the basis of the pleadings of both the parties, the following issues are framed for adjudication

- I. Whether Malaria Research Centre (ICMR), field station, Medical College, Jabalpur is an Industry?
- II. Whether the action of the management of Malaria Research Centre (ICMR) field station, Medical College, Jabalpur in terminating the services of the workmen is justified?
- III. If not, to what relief the workmen are entitled to?

7. On the pleadings of both the parties, the following facts appear to have been admitted.

1. The workman Shri Suresh Chandra Ratre was appointed as Lab-Technician and the workmen Shri Shiv Kumar Dubey and Shri Sushil Kumar Khanna were appointed as Chowkidar in the said project of Malaria Research Centre, Jabalpur.
2. Their services were purely temporary on adhoc basis and were co-terminal with the scheme/project or as long as their services were required in connection with this very scheme.
3. They were terminated from the services as their services were no longer required.

8. Issue No. I—

The important point for consideration is as to whether the Malaria Research Centre is Industry or not? The Industry is defined in Section-2(j) of the I.D.Act, 1947. It is reproduced as under—

“industry” means any business, trade, undertaking, manufacture or calling of employers and includes any calling service, employment, handicraft or industrial occupation or avocation of workmen;

The learned counsel for the workmen has referred a decision of the Apex Court reported in AIR 1978-S.C-548 Bangalore Water Supply Vers A.Rajappa and others wherein the Hon’ble Apex court-has laid down the test of Industry.

“Industry” as defined in Section 2 (j) has a wide import where there is —

- (i) Systematic activity,
- (ii) Organised by co-operation between employer and employee.
- (iii) for the production and/or distribution of goods and services calculated to satisfy human wants and wishes. Absence of profit motive or gainful objective is irrelevant, be the venture in the public, joint, private or other sector .

9. The learned counsel for the management has also referred decision of the Hon’ble apex Court reported in 1997(4) S.C.C. 257 (Physical Research Laboratory versus K.G.sharma wherein the Hon’ble Apex Court has also discussed Bangalore Water supply case (Supra). The Hon’ble Apex Court has further laid down the principles to define “Industry” which are as follows—

“Para-7:

141. Although Section 2(j) uses words of the widest amplitude in its two limbs, their meaning cannot be magnified to overreach itself.

- (a) ‘Undertaking’ must suffer a contextual and associational shrinkage as explained in Banerji and in this judgment: so also, service, falling and the like. This yields the inference that all organized activity possessing the triple elements in I (supra), although not trade or business, may still be industry provided the nature of the activity, viz. the employer-employee basis, bears resemblance to what we find is trade or business. This takes into the fold of ‘industry’ undertakings callings and services, adventures ‘analogous to the carrying on the trade or business’. All features, other than the methodology of carrying on the activity viz. in organizing the cooperation between employer and employee, may be dissimilar. It doesnot matter, if on the-employment terms there is analogy.

142. Application of these guidelines should not stop short of their logical reach by invocation of creeds, cults or inner sense of incongruity or outer sense of motivation for or resultant of the economic operations.. The ideology of the Act being industrial peace, regulation and resolution of industrial disputes between employer and workmen, the range of this statutory ideology must inform the reach of the statutory definition. Nothing less, nothing more.

- (a) The consequences are (i) professions, (ii) clubs,(iii) educational institutions, (iv) cooperatives, (v) research institutes, (vi) charitable projects and (vii) other kindred adventures, if they fulfil the triple test listed in I, cannot be exempted from the scope of Section 2(j).
- (b) A restricted category of professions, clubs, cooperatives and even gurukulas and little research labs. may qualify for exemption if, in simple ventures, substantially and , going by the dominant nature, criterion, substantively, no employees are entertained but in minimum matters, marginal employees are hired without destroying the normal employee character of the unit.
- (c) If, in a pious or altruistic mission many employ themselves, from or for small honoraria or like return, mainly drawn by sharing in the purpose or cause, such as lawyers volunteering to run a free legal services clinic or doctors serving in their spare hours in a free medical centre or ashramites working at the bidding of the holiness, divinity or like central personality, and the services are supplied free or at nominal

cost and those who serve are not engaged for remuneration or on the basis of master and servant relationship, then, the institution is not an industry even if stray servants, manual or technical, are hired. Such eleemosynary or like undertakings alone are exempt - not other generosity, compassion, developmental passion or project.

143. The dominant nature test :

- (a) Where a complex of activities, some of which qualify for exemption, others not, involves employees on the total undertaking, some of whom are not 'workmen' as in the University of Delhi case or some departments are not productive of goods and services if isolated, even then, the predominant nature of the services and the integrated nature of the departments as explained in the Corp'n, of Nagpur, will be the true test. The whole undertaking will be 'industry' although those who are not 'workmen' by definition may not benefit by the status.
- (b) Notwithstanding the previous clauses, sovereign functions, strictly understood, (alone) qualify for exemption not the welfare activities or economic adventures undertaken by Government or statutory bodies.
- (c) Even in departments discharging sovereign functions, if there are units which are industries and they are substantially severable, then they can be considered to come within Section 2(j).
- (d) constitutional and competently enacted legislative provisions may well remove from the scope of the Act categories which otherwise may be covered thereby."

Para-8.

Therefore, the question whether PRL is an "industry" under the I.D. Act will have to be decided by applying the above principle; but, at the same time it has to be kept in mind that these principles were formulated as this Court found the definition of the word "industry" vague and "rather clumsy, vaporous and tall-and-dwarf". Therefore, while interpreting the words "undertaking", "calling" and "service" which are of much wider import, the principle of "noscitur a sociis" was applied and it was held that they would be "industry" only if they are found to be analogous to trade or business. Further more, an activity undertaken by the Government cannot be regarded as "industry" if it is done in discharge of its sovereign functions. One more

aspect to be kept in mind is that the aforesaid principles are not exhaustive either as regards what can be said to be sovereign functions or as regards the other aspects dealt with by the court."

In the above light, the evidence is to be examined on factual aspects as to whether the Malaria Research Centre is an Industry or not. All the workmen are examined in their references. In R/151/96, the workman Shiv Kumar Dubey who was chowkidar has simply stated in his evidence that Malaria Research Centre is an Industry as defined in the I.D. Act. He has not been cross-examined on the above point of Industry. In R/152/96 the workman Sushil is examined. He was also chowkidar in the said Malaria Research Centre (in short MRC). He has also stated that the non-applicant is an Industry as in I.D. Act. He has stated that the non-applicant did research work on the disease of Malaria. In R/177/96 the workman Chandra Ratra has stated that he was appointed as Lab Technician. He has stated that in Malaria Research Centre, the research work is done and the workman collected blood sample and the public also came to the centre for giving blood sample. He is unable to say that the medicine was also being sold at the centre.

10. In support of the case of the workman that MRC is an Industry, the workmen has filed a copy of an award dated 10-4-2001 passed in Reference Case No. CGIT/LC/R/22/91 Shri Chandra Shekhar Tiwari by this Tribunal. In the said reference, one of the point for consideration was that MRC is an industry or not under Sec-2(j) of the I.D. Act, 1947? Dr. Neeru Singh, Dy. Director and Incharge, malaria Research Centre, Jabalpur was examined. The same witness is also examined in instant references. The then Learned Tribunal has discussed the evidence of Dr. Singh adduced in R/22/91 in the award which is here under reproduced as follows—

"Taking the above said pronouncement of the Hon'ble Supreme Court, we have to look into the evidence of the parties in the instant case. The additional affidavit of Dr. Neeru Singh, Dy. Director and Incharge, Malaria Research Centre, Jabalpur is relevant for the decision of the issue as to whether the Malaria Research Centre is an industry or not? Her statement goes to show that the Research Centre is an industry or not? Her statement goes to show that the Research work in Malaria Research Centre is being systematically carried out to control the Malaria and to discover the new formula to eradicate the same. For this purpose the samples of blood from different persons are taken by the Lab Assistants of the Centre and those samples are scientifically analysed in the laboratories to find out the cause of

malaria and to cure the same by introducing medicines in this respect after discovering new formula. The regular experiments are being done in the laboratories by the Lab Assistants and the scientists. After making the scientific analysis they introduce new medicines to control and eradicate the malaria. The reports in this connection are annually published to acquaint the Head Office regarding the research work done by the centre. Dr. Neeru Singh has clearly admitted in para-8 of her statement on 16-2-2001 that Pfizer Pharmaceutical company had made some payments to the Director Malaria Research Centre, Delhi on different dates. The said company manufactures medicine for Malaria and sells the same in the market. From the statement of Dr. Neeru Singh, it appears that the formula, discovered by the Malaria Research Centre, are sold to the pharmaceutical company to manufacture medicine to control and eradicate Malaria from the different parts of the country. For this purpose, the pharmaceutical company makes payment to the Malaria Research Centre as they are benefitted by the discoveries made known to them for manufacturing medicines to control malaria. This is nothing but activities like business and trade. This view is being supported by circular Exhibit W-10. The clause V of the circular is regarding the terms and conditions of the amount paid to the Malaria Research Centre reads as under—

"Receipts realized by the Project Officer and the sale proceeds if any, will be remitted to the counsel as miscellaneous receipts and should not be utilized for meeting expenditure in the scheme. This citation makes it abundantly clear that the Malaria Research Centre definitely sells the research formula to a respective pharmaceuticals company to manufacture the medicines of Malaria etc. It means this activity is being carried like business and trade by the cooperation of the employer and employees of the centre."

The then Learned Tribunal came to the finding that Malaria Research Centre is an Industry. The learned counsel for the workmen submitted that the non-applicant witness Dr. Neeru Singh is also examined in the case and her evidence adduced earlier on the same point which establishes that MRC, Field Office, Jabalpur is an Industry where these workmen were employed and I.D. Act, 1947 is applicable.

11. On the other hand, the non-applicant/management has also adduced evidence. Dr. Neeru Singh, Dy. Director and Incharge Malaria Research Centre, at

Jabalpur is examined separately in all the three references. She has stated in R/177/96 that the establishment of the Malaria Research Centre does not carry out any business activity. It is only engaged in the research activity on malaria, filaria etc. The result of the research carried out are submitted to the Indian Council of Medical Research, New Delhi. She has stated that MRC is not an Industry. In cross examination, she has stated that the Drug Controller of India had obtained the usefulness of the medicine Ezothromicine from the Director, Malaria Research Centre which was given to him. The centre had taken actual cost incurred on it. The evidence adduced by this witness in R/22/91 further corroborates that the activities of the MRC are of an Industry.

12. The management has also filed incomplete annual reports of the year 1993 and 1994 which are marked as Exhibit M/1 and M/4. Incomplete documents appear to be inadmissible in law. Project minutes and its activities report are marked M/3 to M/8. Budget estimate, terms and conditions of the Grant Revised Research Scheme and ex post facto approval are marked as Exhibit M/9 to M/12. These documents do not indicate the entire activities of the MRC as few of the documents are incomplete. On the basis of the discussion made above and specially the evidence of Dr. Neeru Singh and her evidence adduced in R/22/91 show that the Malaria Research Centre is an Industry. Accordingly this issue is decided in favour of the workmen.

13. Issue No. 2 & 3 :—

Another important question is that the action of the management in terminating the service of the workmen is justified and legal? Before discussing the evidence, it is relevant to discuss the order dated 7-4-97 passed in Writ Petition No. 2489/1995 and 2539/95 by the Hon'ble High Court of M.P., at Jabalpur. The learned counsel for the management argued that it is identical cases of the Malaria Research Centre, Field Office, Jabalpur, the employee Srimati Kiran Saxena, Lab-Technician and Narendra Datta Amro, Chowkidar were terminated of the same project where the same questions of law and facts arose for consideration. The Hon'ble High Court of M.P., at Jabalpur has held which is reproduced as follows :

"I will take up the first point first. It is an admitted position that petitioners were appointed in IDVC Project at Field Station, Jabalpur. Petitioner Kiran Saxena was appointed as Laboratory Technician whereas the other person was appointed as chowkidar. In the return the respondents have clearly stated that the project is at completion stage and in the winding up process and the project employees are progressively retrenched in stages particularly

those employees whose services are no longer required. It has been further stated that the purpose for which the project was started had already been achieved and at present it is in the maintenance phase and shall be wound up shortly. Accordingly it is contended that the project employees whose services were required when the project activities were going on are not more than required and for maintenance phase very minimal staff are required. The aforesaid statement made by the respondents in the return has not been controverted by the petitioners and accordingly I have no reason to disbelieve their stand that the project is at completion stage and minimal staff is required for maintenance phase. Even after the completion of the project, there are assets and liability left and for management of the same if certain staff are required and they are continued, it will not mean that the project has not come to an end. Petitioner Kiran Saxena was a Laboratory Technician and other person was the chowkidar and their services may not be required by the respondents for maintenance phase. Accordingly I am of the view that the project for the purpose of employment of the petitioners have come to an end and I negative the submission of the learned counsel for the petitioners that the project is still continuing."

The Hon'ble Court has further held at para 6, page 7 which is reproduced as follows—

"It is well settled that all retrenchment is termination of service but all termination of service may not be retrenchment. For retrenchment, the termination of service has to fall within the ambit of definition of retrenchment under Section 2(oo) of the Act. A plain reading of Section 2(oo) of the Act makes it clear that the termination of the service of the workman on expiry of the contract of employment is not included in the definition of retrenchment. It is relevant here to state that Section 2(oo)(bb) which contemplates of contractual termination was inserted by Act No. 49/84 w.e.f. 18-8-1984 and the effect of the amendment is to exclude from the ambit of the retrenchment, (i) termination of the service of the workman as a result of the non-removal of the contract of employment between the employer and the workmen concerned on its expiry and (ii) termination of contract of employment in terms of stipulation contained in the contract of the employment. As a result of the aforesaid amendment if the stipulation in the contract of employment between the employer and the workman concerned providing the mode and manner of termination in service, such termination of service has been exempted from the ambit of the definition of retrenchment. In the background of the aforesaid legal position, I come to the facts of the present case.

Petitioners were appointed in a project. The contract of employment between them stated that their employment is for the duration of the project. As held earlier, the project has come to an end and in that view of the matter the termination of services of the petitioners do not come within the definition of retrenchment so as to attract the provisions of Section 25-F of the Act. Accordingly respondents are not obliged to pay to the petitioners the retrenchment compensation and follow the provisions of Section 25-F of the Act. I do not find any illegality on the part of the respondents in not paying the petitioners retrenchment compensation of complying with the provisions of Section 25-F of the Act."

It is clear that the Hon'ble Court had finally dismissed the writ. It also appears that the I.D. Act, 1947 is applicable and MRC is an Industry and the provision of Section 2(oo)(bb) of the I.D. Act is applicable against the workmen. The termination was held legal and justified.

14. In the back ground, the evidence is to be examined of the parties. In R/151/96, the workman Shiv Kumar Dubey has stated that he was appointed on the post of chowkidar by the non-applicant. He has filed the appointment order which is marked as Exhibit W-1. The appointment order shows that this was the appointment of staff of IDVC project at MRC, F.S. Jabalpur. It appears that the workman Shri Dubey was appointed on purely temporary basis for the duration of the project w.e.f. the date of joining. The further conditions show that there will be no claim for regular appointment and the services can be terminated at any time without giving any notice and reason. This clearly shows that the condition of his service fully covers with the provision of Section-2(oo)(bb) of the I.D. Act and his termination is not a retrenchment and the provision of Section 25-F of the I.D. Act is not applicable.

15. This witness has further stated that his service was terminated vide order dated 28-3-1995. The copy of the order is filed which is A/2 & A/3. This is also an admitted document as the non-applicant has also filed the same documents. This shows that the service of the workman was not required as such his service was terminated w.e.f. 31-3-1995. He has also admitted that other workmen of the project were also terminated. Thus his evidence proves the case of the non-applicant that this workman was terminated as no longer his service was required for the project.

16. In R/152/96, the workman Sushil Khanna, who was chowkidar in the project, has also stated that he was appointed vide order dated 27-8-82. He has also filed the copy of the order which is Exhibit A/1. The said document is admitted by the non-applicant. The appointment order clearly shows that he was appointed in the said project on

the same condition. He has also admitted that his service was terminated as his service was not required. The said orders are A/3 & A/4.

17. In Reference No. R/177/96, the workman Suresh Chandra Ratre has also stated that he was appointed as Lab. Technician on the same ground as discussed above. He has filed the appointment letter and termination letter. The termination letter shows that he was terminated and his service was no more required. This witness has adduced evidence that he was victimized by the project incharge as he had demanded Vehicle Allowance. He has filed copy of the letters of his correspondence with the Incharge of the Project. He has stated that he was transferred to different places. He has stated that there is still work in the project and he has been terminated on the ground of misconduct but no show cause notice or proceeding was started against him. The termination letter does not show that he was terminated on the ground of misconduct rather his service was no longer required and as such, he was terminated. It appears that on the same ground, other workmen were also terminated. Two of the workmen preferred writ petition before the Hon'ble High Court and the Hon'ble High Court also held that the action of the management was justified. Thus the evidence of the workmen proves the case of the management.

18. On the other hand, the management has also examined witness in all the three references. Dr. Neeru Singh, Dy. Director of MRC, Jabalpur has stated that the appointment letter of the workmen itself shows that it was co-terminus with life of the project and the project work having reduced to the skeleton. She has stated that six-seven employees including Smt. Kiran Saxena along with these workmen were terminated as their services were no longer required. It is clear from the above discussion that Smt. Saxena preferred writ before the Hon'ble Court against the termination order and the Hon'ble Court had justified the action of the Deputy Director, MRC, Jabalpur. Thus it is clear that there is no need to interfere in the order of termination passed by the non-applicant against the workman. The workman is not entitled to any relief. Accordingly this issue is decided against the workmen and in favour of the management. Hence the above references are answered.

19. In the result, the award is passed without any order as to costs.

20. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 18 दिसम्बर, 2009

का. आ. 131.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों

का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा 1 जनवरी, 2010 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उप-धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबंध उड़ीसा राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“जिला कोरापुट की पोटांगी तहसील में 1. मानिया, 2. चरंगूली, 3. लुंगूरी, 4. अम्बागम, 5. अनलबाड़ी, 6. कन्धापुत्रघाटी, 7. कन्थागूडा, 8. मरीचामल, 9. चौगम, 10. अरिपुत्रघाटी, 11. डूमूरीगुड़ा, 12. सिन्धीपार, 13. बारंगापूट, 14. कुरुमूली, 15. दामनजोड़ी, 16. कारीडीगुड़ा, 17. काकारीगुड़ा क्षेत्र के राजस्व गांव ।”

[सं. एस-38013/48/2009-एस.एस. 1]

एस. डी. जेवियर, अवर सचिव

New Delhi, the 18th December, 2009

S. O. 131.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st January, 2010 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought in to force) and Chapter V and VI [except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Orissa namely :

“The areas comprising of the revenue villages of 1. Mania, 2. Charanguli, 3. Lunguri, 4. Ambagam, 5. Analabadi, 6. Kandhaputraghati, 7. Kantaguda, 8. Marichamal, 9. Chougam, 10. Aripurtraghati, 11. Dumriguda, 12. Sindhipar, 13. Barangapurt, 14. Kurumuli, 15. Dhamanjodi, 16. Karidiguda, and 17. Kakariguda in Tehsil Potangi in the District of Koraput.”

[No. S-38013/48/2009-S.S. 1]

S. D. XAVIER, Under Secy.

नई दिल्ली, 21 दिसम्बर, 2009

का. आ. 132.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा 1 जनवरी, 2010 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उप-धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबंध पश्चिम बंगाल राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“बांकूड़ा जिला में बरजोड़ा तथा गंगाजलघाटी क्षेत्र जिसमें देबजुरी, बरजोड़ा, साहेबडिही, बिरसिहपुर, देउचा, सहरजोरा, कड़ासोल,

घुटगोडिया तथा चौसाल के मौजा एवं घनश्यामपुर के मौजा भी शामिल है।”

[सं. एस-38013/51/2009-एस.एस. 1]

एस. डी. जेवियर, अवर सचिव

New Delhi, the 21st December, 2009

S. O. 132.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st January, 2010 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of West Bengal namely :—

“Areas of Barjora and Gangajalghati comprising mouzas of Debjuri, Barjora, Sahebdihi, Birshinghapur, Deucha, Saharjora, Kadasole, Ghutgoria and Chausal and mouza of Ghanashyampur in the District of Bankura.”

[No. S-38013/51/2009-S.S. 1]

S. D. XAVIER, Under Secy.

नई दिल्ली, 21 दिसम्बर, 2009

का. आ. 133.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 जनवरी, 2010 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उप-धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबन्ध कर्नाटक राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

क्र.	राजस्व ग्राम का नाम	होबली	तालुक	जिला
सं.	नगरपालिका सीमाएं			
1	2	3	4	5
1.	बेलन्दूर	वर्थूर	बेंगलूर पूर्व	बेंगलूर
2.	एकराजपुरा	सुलीबेले	होसकोटे	बेंगलूर ग्रामीण
3.	अडकामरना हल्ली	दासानपुरा	बेंगलूर उत्तर	बेंगलूर

[सं. एस-38013/49/2009-एस.एस. 1]

एस. डी. जेवियर, अवर सचिव

New Delhi, the 21st December, 2009

S. O. 133.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st January, 2010 as the date on which

the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapters-V and VI [except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Karnataka namely :

Sl. No.	Name of the Revenue Village or Municipal Limits	Hobli	Taluk	District
1.	Bellandur	Varthur	Bangalore East	Bangalore
2.	Ekarajapura	Sulibele	Hoskote	Bangalore Rural
3.	Adakamarana Halli	Dasanapura	Bangalore North	Bangalore

[No. S-38013/49/2009-S.S. 1]

S. D. XAVIER, Under Secy.

नई दिल्ली, 21 दिसम्बर, 2009

का. आ. 134.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 जनवरी, 2010 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उप-धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबन्ध उड़ीसा राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“जिला जगतसिंहपुर की कूजंग तहसील के अर्न्तगत मुसाडिया एवं उदयबट के राजस्व गांव।”

[सं. एस-38013/50/2009-एस.एस. 1]

एस. डी. जेवियर, अवर सचिव

New Delhi, the 21st December, 2009

S. O. 134.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st January, 2010 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapters-V and VI [except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Orissa namely :

“The Revenue Village of Musadia and Udayabata under the Tehsil Kujang in the District of Jagatsingpur.”

[No. S-38013/50/2009-S.S. 1]

S. D. XAVIER, Under Secy.

नई दिल्ली, 17 दिसम्बर, 2009

का. आ. 135.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं इन्डियन सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 99/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-12-2009 को प्राप्त हुआ था।

[सं. एल-22012/11/1990-आईआर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 17th December, 2009

S. O. 135.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 99/04) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of WCL and their workman, which was received by the Central Government on 17-12-2009.

[No. L-22012/11/1990-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI A. N. YADAV, PRESIDING
OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, NAGPUR**

Case No. CGIT/NGP/99/04 Date: 18/11/2009

The Sub Area Manager,

Hindusthan Lalpeth Colliery,

of W.C.L. Post Lalpeth,

Dist.: Chandrapur

—Party No. 1

Versus

The General Secretary,

Lal Bawata Koyala Kamagar Union,

Near Noorani Masjid Bhiwapur,

Ward No. 3 Babupeth,

District-Chandrapur.

—Party No. 2

AWARD

29-5-2009

The Central Government after satisfying the existence of dispute between the Sub Area Manager of W.C.L., Post Lalpeth, Dist. Chandrapur (Party No. 1) and the General Secretary, Lal Bawata Koyala

Kamagar Union Near Noorani Masjid, Bhiwapur, Ward No. 3 Babupeth District-Chandrapur (Party No. 2) referred the same for adjudication to this Tribunal vide its letter No. L-22012(II)/90 IR (Coal II) dt. 11/6/90 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Disputes Act 1947 (14 of 1947) with the following schedule:

“Whether the action of the management of W.C.L. Hindusthan Lalpeth Colliery in terminating the services of Sh. Bapu Gowrayya, Coal Dresser, w.e.f. 31-3-85 is legal and justified? If not, to what relief the workman concerned is entitled?”

The petitioner approached with the contention that he was appointed as Coal Dresser in October, 1970 and was dismissed by an Order dt. 2-4-85 with effect from 31-3-85 for absenteeism. The same dismissal order has been challenged by him under the reference. According to him and he had submitted the medical certificate explaining his absence. Therefore, the Order of dismissal is illegal. It was not imposed after a proper enquiry as well as the punishment is also shockingly disproportionate in view of alleged misconduct. He is facing starvation. Finally he prayed to quash the illegal order of dismissal and allow him to join the duties directing the management to reinstate him. He has also claimed the full back wages from the date of his dismissal.

The management appeared and filed its Written Statement resisting the claim of petitioner. According to the management, the petitioner is habitual absentee having habit of remaining absent from the duties without getting the leave sanctioned or without any permission from the management. He used to remain absent even without submitting the applications and without any prior intimation. On many Occasions he was warned after issuing show-cause notices from time to time. He did not improve though sufficient chances were given to him. He attended the work only for 11 days in the year 1984 the management after holding a departmental enquiry awarded the punishment of dismissal. It being a Coal Mining Industry and the Petitioner was holding responsible post of Dresser his absence was causing inconvenience to the other workers also. They used to remain idle during his absence. Thus it was causing loss to the management. He was dismissed w.e.f. 31-3-85 and he raised the dispute before ALC after more than 4 years on 3-5-89. They have supported their action of dismissal.

My Learned predecessor by an Order dt. 7-2-96 when the case was pending before CGIT, Jabalpur recorded the finding that the enquiry was not in accordance with the principles of natural justice. However, he gave opportunity to the management to prove the charges before the Court. Accordingly, I have recorded the evidence asking the management to prove the charges before this Tribunal after transfer. Accordingly, in order to prove the case, the management examined its then Clerk of the office Shri Prakash Krushna Pochalwar who was Inquiry Officer and K. Radha Krishtayya. They are cross-examined on behalf of the petitioner. The petitioner has filed his affidavit but did not enter into witness box for the cross-examination.

Therefore his affidavit is without cross-examination consequently, it cannot be called as evidence.

The Petitioner's witness has stated in respect of the validity of enquiry only. His evidence is silent regarding the merit of the case. In fact, even the statement of claim of the petitioner, does not disclose any valid reason for his absence. It seems from the evidence of the management that earlier to the order of the dismissal petitioner, he was given the warning on many occasions. He was allowed to join the duties on several times excusing his misconduct as he demanded pardon. It seems that the witness who is examined by the management himself was working as a clerk at Hindusthan Lalpeth Colliery in personal section from 1976 to 1997 where the petitioner was working as a Coal Dresser. The same Clerk was maintaining service record of the workers. He has given month-wise attendance for the year 1984 of the petitioner which discloses that the petitioner attended the work during the whole year from January to December 1984 for only 11 days while on an average there are 335 working days in every year. This indicates that attendance of the petitioner was totally abnormal and poor. It seems that in 1981 he attended the work for 149 days, in 1982 for 19 days, 1983 for 212 days and only 11 days in 1984. Similarly he did not attend the work for the whole year in 1995. It cannot be said that he had any interest in the work. It also indicates that he was not at all intending to work.

Though the petitioner claims that he had submitted leave application along with the medical certificate but there is nothing to support his contention. No doubt one certificate is brought by him but it also does not disclose the exact period and then number of days of his illness. There is no specific evidence though he claims to have developed a contiguous disease of T.B. due to the underground working. There is no specific evidence showing that he was suffering from T.B. In the result his absence cannot be justified. After all the workers are appointed for getting the work from them. He was on responsible post of Coal Dresser. It was not possible for the management to continue the working in his absence. There was no other go than to dismiss him. In my view, considering the habit of the petitioner of remaining absent is beyond improvement and the punishment awarded by the management cannot be said as disproportionate shocking. In my view, the punishment of dismissal awarded is proper and does not deserve any interference. Hence I pass this negative award that he is not entitled for any relief.

Date : 19-11-2009

A. N. YADAV, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 2009

का. आ. 136.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी.

एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (संदर्भ संख्या 11/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-12-2009 को प्राप्त हुआ था।

[सं. एल-22012/487/1994-आईआर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 17th December, 2009

S. O. 136.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 11/95) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 17-12-2009.

[No. L-22012/487/1994-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR**

No. CGIT/LC/R/11/95

Presiding Officer : Shri Mohd. Shakir Hasan

General Secretary,
Koyla Mazdoor Sabha (UTUC),
Post Dhanpuri, Shahdol (MP) ... Workman/Union

Versus

Sub Area Manager,
Amlai Colliery, SECL,
Post Amlai Colliery,
Distt. Shahdol (MP) ... Management

AWARD

Pased on this 4th December, 2009

1. The Government of India, Ministry of Labour vide its Notification No. L-22012(487)/94-IR C-II dated 4-1-95 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the Sub Area Manager, Amlai Sub Area of SECL in dismissing Shri Dauram, Loader, Amlai Colliery w.e.f. 12-2-92 is legal and justified? If not, to what relief is the workman entitled to?”

2. The case of the workman, in short, is that the workman Dauram. T. No. 1886 was loader in Amlai Colliery

since 1973. He proceeded on two days casual leave i.e. on 19-4-90 and 20-4-90 but became ill and did not turn up on duty. He sent application for extension of leave by Registered posts. After becoming fit on 3-6-1991 for resuming duty, he came and submitted proof of his absence to the Manager but he was not allowed to resume his duty. It is stated that when he raised Industrial Dispute, he came to know during conciliation that he was terminated w.e.f. 13-2-92. It is alleged that he was illegally terminated and he is entitled for reinstatement with back wages.

3. The non applicant appeared and filed Written Statement. The case of the non-applicant, inter alia, is that admittedly the workman was loader at Amlai Colliery. It is stated a chargesheet dated 25-5-91 was served on him for unauthorized absence w.e.f. May 1990 under the provisions of the Certified Standing Orders, His reply was not found satisfactory. As such a departmental enquiry was ordered to be initiated in respect of the charges leveled against him. Shri K.K. Sharma, Sr. Under Manager was appointed as Enquiry Officer who noticed to the workman. The said workman participated in the enquiry alongwith co-worker. The full opportunity was given to the workman to defend himself. After enquiry, The Enquiry Officer submitted his report with findings that charges against him were established beyond shadow of doubt. The Controlling Officer considering the finding of Enquiry Officer recommended to the competent authority for approval of his termination from service w.e.f. 13-2-92. Accordingly the workman was terminated vide letter No. SECL/AAL-SAM/92/167 dated 8/13-2-09. It is submitted that the action of the management was justified and the reference be answered in favour of the non-applicant.

4. After filing statement of claim, the workman absented. The reference was pending for evidence of the workman since 9-12-04 but he did not file the evidence. As such the then Tribunal proceeded exparte against the workman on 28-3-06.

5. To prove the case, the management has filed evidence of two witnesses. Management witness Shri J.K.A.Sunder is Deputy Personnel Manager, Amlai and Bangwar Sub Area. He has supported the case of the non-applicant. He has stated that the workman was absent unauthorisedly and a chargesheet was issued. He has further stated that department enquiry was held by the Enquiry Officer and the workman Dauram alongwith co-worker participated in the enquiry. The Enquiry Officer submitted the Enquiry report holding the workman guilty of the charges. Thereafter the Competent Authority approved for terminating him from service. The termination was accordingly issued. He has stated that the workman Dauram was absent for a considerable long period which was against the interest of the management. His evidence is un rebutted. There is no reason to disbelieve his evidence.

6. Another witness Shri Nand Kishore Verma is clerk in Amlai colliery. He has also supported the case of the management. He has stated the period of the absence of the workman. He has stated that he was habitual absentee and two warnings were earlier given to him and he had apologized with an assurance to improve his conduct. His evidence is also un rebutted. There is no reason to disbelieve his evidence.

7. On persual of the statement of claim, it appears that the workman has not challenged the departmental enquiry that there is a violation of natural justice and he had not been given proper opportunity to defend himself. This shows that the departmental enquiry was valid and legal.

8. The evidence, as has been discussed above, clearly shows that the workman Dauram was habitual absentee. I, therefore, find that there is no need to interfere in the order of punishment. Hence the action of the management is proper and justified. Accordingly the reference is decided in favour of the non-applicant.

9. In the result, the award is passed exparte against the workman without any order to costs.

10. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 2009

का. आ. 137.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं डब्ल्यू. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 235/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-12-2009 को प्राप्त हुआ था।

[सं. एल-22012/11/2000-आईआर (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 17th December, 2009

S. O. 137.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.235/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of WCL and their workman, which was received by the Central Government on 17-12-2009.

[No. L-22012/11/2000-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE**BEFORE SHRI A. N. YADAV PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR****Case No. CGIT/NGP/235/2000 Date : 9/11/2009**

Petitioner/
Party No. 1 Sh. Lomesh Maroti Khartad,
President, National Colliery Workers
Congress, Ambedkar Ward,
Ballarpur, Tah. & Distt. Chandrapur
(MS) Ballarpur

Versus

Respondent/
Party No. 2 The Sub Area Manager,
Hindustan Lalpeth Opencast Sub
Area of WCL, PO; Lalpeth, Distt.
Chandrapur (M.S.)

AWARD**Dated : 9th November, 2009**

The Central Government after satisfying the existence of dispute between Shri. Lomesh Maroti Khartad, President, National Colliery Workers Congress, Ambedkar Ward, Ballarpur, Tah. & Distt. Chandrapur (MS) Ballarpur (Party No. 1) and the Sub Area Manager, Hindustan Lalpeth Opencast Sub Area of WCL, PO: Lalpeth, Distt. Chandrapur (M.S.) (Party No. 2) referred the same for adjudication to this Tribunal vide its letter No. L-22012/11/2000-IR(CM-II) dated 4-8-2000 under clause (d) of sub Section (1) and sub-section (2A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947) with the following schedule :

"Whether the action of the management namely Sub-Area Manager, Hindustan Lalpeth U/G Sub Area of WCL, PO: Lalpeth, Distt. Chandrapur in not providing compensatory employment to Smt. Radhabai Sodari w/o late Bhanayya Sodari, Ex-Badli Workers, Hindustan Lalpeth Colliery is legal, Proper of Justified? If not, to what relief the workman is entitled and from what date? What other directions are necessary in the matter?"

3. The Petitioner Union is claiming that it is registered trade Union under Trade Union Act having its registration No. 35/19 dt. 1-12-1994 and affiliated to NFITU. It is also claimed to have operative in Coal Industries ancillary organization. It has contended that Bhannaiya Mahakali Sodari a deceased husband of Radhabai Sodari was appointed as a Badli worker in Cat.-I in WCL on 1-9-1980. He was illiterate. He was continued in the service till his death on 28-11-1989 and has put 190 days attendance in 12 months for several years. He was medically examined and was employed to work in underground mines. During the course of employment he became a T.B. patient. Since the treatment for T.B. is available only at Civil Hospital, Chandrapur, he was referred to get treatment in Civil Hospital, Chandrapur. Accordingly he was admitted on

18-11-1989 but unfortunately expired on 28-11-1989. His wife, the present petitioner on 16-12-1989 informed the Manager about his death enclosing the copy of death certificate. She is approaching the management for the employment being dependent of the deceased Bhannaiya but neither her request was considered nor her representations were replied. National Coal Wage Agreement-IV was applicable to the workman and as per the provisions of Chapter-I of the Agreement, Chapter-IX (Para 9.4) and the memorandum of settlement under section 12(i) of the Industrial Dispute Act. She is entitled for the service. Therefore, she has prayed to give employment w.e.f. 16-1-1990 with full back wages of Cat-I and continuity in the service with fringe and consequential benefits alongwith the cost.

4. The management appeared and resisted the claim. According to it, Smt. Radhabai Sodari is not the employee of the colliery and the relationship as an employer and the employee between them does not exist. Accordingly, she cannot be a member of any union and thus the union cannot spouse her claim. Even the deceased Bhannaiya was not a member of any union and the present petitioner union had not come even into existence at the time of his death. Therefore, it is not at all entitled to raise the dispute on behalf of the petitioner. The cause of action has arisen on 28-11-1989 and the industrial dispute has been raised by the union under its letter dated 6-5-1999 before the Assistant Labour Commissioner (Central), Chandrapur i.e. after 10 years. Thus, it is belated and not maintainable. Thus, he was a Badli Worker and he had resigned his job which was accepted on 1-8-1989. It was conveyed to him after information about the death of her husband. The Petitioner on 24-2-1994 applied for payment of gratuity, payment of Provident Fund and other dues of her late husband and accordingly it was processed. She herself requested for the above benefit because her husband had resigned from the service. She has not made any claim for employment on compassionate ground because her husband did not die while in service. She did not apply because she had knowledge about the resignation of her husband. It has denied that the petitioner was referred by the management to Civil Hospital, Chandrapur. According to it, the management has its own hospital fully equipped to provide the treatment including for the disease of T.B. The Petitioner avoids to take the treatment from the hospital of the management because he had already resigned. According to the management, her claim is not covered under the NCWA-IV. Her submissions are vague and it has prayed to reject the claim of the Petitioner.

5. Heard the counsel for both the parties perused the evidence as well as written submission made by them. On the basis of these submission the following points arises for my consideration :

- (i) Whether the Petitioner union is not the union of the workers of Hindustan Lalpeth U/G Sub-Area of WCL.

- (ii) Whether the dependent who had resigned can be awarded the benefit of employment under the dependent employment scheme of JBCCI and NCWA-IV.
- (iii) Whether the dependent of Badli worker is entitled for securing the employment under the provision of NCWA-IV.
- (iv) Whether the claim of the petitioner is belated after a gap of about 10 years.

6. The dispute is raised by the National Colliery Worker Congress. Undisputedly, it is a industrial union the question is whether it has acquired any representative character at Lalpeth having at least 25% of the total workers of the establishment as its member. Undisputedly, the union is registered at Dhanbad, previously in Bihar now in Jharkhand. According to the management, this union has come into existence in the year 1999. The death of workman in whose place the dependent has claimed a right of employment she being his wife is dated 28-11-89. The cause of action has arisen on 28-11-89 and the union has come into existence in 1994-95 near about it. Thus the cause of action has arisen before the existence of union. It has no right to raise the dispute. Further, it is also submitted on behalf of the management that the union had no representative character. Still suo motu, it would not be competent to spouse the cause of the employees of the establishment unless there is a specific resolution. Entire evidence of the petitioner does not disclose that it has some representative character. Assuming it has some representative, it is below 25% of the total workers. There is no reply to this objection of the management from the union to show that it is competent to raise the dispute. Assuming for the sake of argument that it has acquired some representative character still it was necessary for it to produce the resolution for raising the claim of the Petitioner. Undisputedly, the deceased Bhannaiya was not a member of this union. His wife cannot be a member of the union because she was not a worker. She could have taken the help of union had she raised the dispute in the year 1989 immediately after the death of her husband. In my view, she cannot maintain the claim for the employment on the basis of compassionate ground after this considerable delay.

7. The Union filed its constitution and the list of office bearers. Office bearers of the union about setting/opening of its branch at Hindustan Lalpeth UG Sub Area, however, it discloses only names of the office bears of union. It does not disclose the particular specially working designation etc. It is insufficient to disclose the specific identity and as indicated above, there is no resolution taken by the union in any meeting for raising dispute in respect of the petitioner. Assuming for the sake of argument that it has a representation still non-production of any resolution will not entitled union to represent the petitioner. It has not

filed any resolution authorizing the General Secretary to raise dispute.

8. Similarly, there is no authority issued either by the deceased or by the Radhabai in favour of the union authorizing it to take up her dispute. It is also undisputed fact that Radhabai being not worker cannot be a member of any union. In such circumstances, in my view, the union without any authority either from the petitioner or and without any resolution authorizing its representative to raise the disputes cannot validly to maintain the claim.

9. According to the management, the petitioner had already resigned from the service. The Petitioner is now denying that late Bhannaiya, her husband had resigned at all but still the question remain whether employment can be given to the dependent of the employee who had already resigned. The management has produced the letter of acceptance of the resignation of the petitioner. It is dated 19-7-89. Resignation application is not filed by the management because the issue regarding resignation was not earlier disputed by the petitioner. The statements of claim as well as the other documents do not disclose any dispute regarding the resignation but still the petitioner at the time of evidence examined the witness, who is the co-worker and orally saying that Bhannaiya was never intending and had never submitted his resignation. But here his Order which indicated regarding the acceptance of his resignation, this letter was issued during the life time of Bhannaiya and he has signed Peon Book under which this letter was served on him. Peon Book bears his signature in token of receipt of letter under which his resignation was accepted. Even the papers of the Conciliation Officer shows that the petitioner had resigned. Moreover, the Petitioner has collected all his dues of gratuity, Provident Fund and other terminal benefits. All the dues are paid not on the basis of his death during the service but they are paid because the petitioner had resigned from his post or from the service. Therefore, now her contention that he had not submitted the resignation cannot be accepted. There are no reasons for the management to prepare all these documents long back in the year 1989 when there was no whisper or demand regarding job on compassionate ground. In such circumstances, oral evidence of the petitioner has no value. On the contrary, documents show that his resignation was accepted and his terminal benefits were given on the basis of his resignation. It is not possible to direct the management to employ the dependent of the resigned employee.

10. Similar thing about the Badli worker the deceased Bhannaiya was undisputedly Badli worker. No doubt, he worked as a Badli worker for considerable long time but there is no evidence on record regarding the actual working days of the deceased Bhannaiya. It was not an issue at all covered under the reference or scheduled. The petitioner is claiming the deceased as regular employee because he

has worked for more than 120 days in each year for so many years. But when it was not an issue and there is no specific evidence to show that he had really worked for 120 days or 240 days as the case may be in each year. Since the issue was not raised by the Petitioner claiming regularization on the basis of his continuous working for either 120 days or 240 days, no evidence is produced. In such circumstances, he will have to be treated as a Badli worker because there is no specific evidence that he has acquired status of permanent employee. The petitioner is presuming that the deceased was a permanent employee but there is nothing on record to show that he has ceased to be a Badli worker.

11. There are no disputes that the provision of NCWA-IV or at the time NCWA-II there were provisions to provide the employment to the dependent of the deceased worker but the question is whether the Petitioner Radhabai is entitled for the same. Since deceased Bhannaiya was a Badli worker, in my view she is not entitled even as per the provision of NCWA. It is contended on behalf of the Petitioner that standing orders is giving right of getting job being a dependent of the deceased worker. But how this will be applicable when the job was demanded after 10 years.

12. It appears that issue of resignation has been raised in the year 1999 by the union when he died in the year 1989. She has challenged the resignation as stated above. The management filed an Annexure-C of the employer's document of acceptance letter of the resignation on 1-8-89. The record is having the signature of Bhannaiya. The management witness has proved it. It has filed another letter under which the present petitioner Radhabai Sodari has demanded refund of CMPF which was forwarded by the department. It was prepared in the year 1994. The reason for returning the CMPF was mentioned as resigned. This letter bears the thumb impression of Shri Radhabai and she has admitted that it is her thumb impression. No doubt the witness of the management Mr. Meshram who has proved this document in cross exam on behalf of the Petitioner. This cross-examination is regarding whether the contents of this document were explained to her? It was, in fact, forwarded by the management or by this witness. Mr. Meshram was in the cross-examination stated that her thumb impression was voluntarily taken by him. This Form was filed by Shri B.M. Meshram i.e. witness but his evidence is challenged only on the ground whether its contents were explained to her or not. It is not the case of the Petitioner that her thumb impression was obtained under pressure or by fraud. It is not the case at all and this form was prepared after the death of her husband for the purpose of paying of his dues after his resignation. Since it was prepared after the death of Bhannaiya, the thumb impression of Radhabai was obtained. In fact, at that time there was no dispute regarding the resignation. Since the benefit are paid on the basis of his acceptance of

resignation letter proves that he before the death has resigned from the service. The wife of the resigned employee cannot seek employment as dependent i.e. compassionate ground.

13. The petitioner union has filed the documents as per Exh. W-2, W-4, W-5, W-6 and W-7. Out of these the documents at W-2 is having thumb impression of the petitioner and it was issued to the management on 16-12-89. She has claimed that she had demanded employment as a dependent under this letter but on perusal of documents, it seems that she has never mentioned for providing the job. It is only giving of information about his death. Second document is W-4. It is dated 22-2-94 having her thumb impression and this letter also does not disclose any demand for the job. The same thing is in respect of the letter W-5 dt. 2-10-97. It is signed by the petitioner instead of thumb impression. It shows that she is literate. However, throughout the case she is claiming that she is illiterate. These documents are not acknowledged and there is no reference of earlier letter or applications in it. Therefore, according to the management it is the fabricated one only to show that it has raised the demand repeatedly in the year 1997 also. The letter W-6 is also signed by the petitioner Smt. Sodari on 20-10-97 and addressed to the Director (P), Western Coalfield Ltd., Nagpur. However, there is no acknowledgement of this communication and this letter has also no reference of earlier letters or name of the authorities to whom she has made request. The fact remains that this letter issued after 8 years from the death of her husband. Document No. W-7 is dtd. 31-12-97 which is signed by her and addressed to the Manager, Hindustan Lalpeth Colliery No.1. According to the management, this letter has been written for the first time for providing the jobs. Had she applied for the job earlier, she would have mentioned references of earlier letters? Thus the letter issued by her also indicates that she has requested after considerable delay. Whatever it may be, there is no specific limitation provided under the Industrial Dispute Act, but still these documents indicate that earlier she was silent and she has not demanded service as early as possible. Certified standing orders make it obligatory to give job to the dependent of the deceased employee while died during the service. Here the deceased employee had already resigned at the time of his death. He was not in service. There are no reasons to doubt about his resignation. Similarly, he was working as Badli worker throughout and had not acquired the status of regular employee. As he was not in service at the time of his death and as a regular employee, his dependent cannot claim for job. Thus in my view Smt. Radhabai Sodari, wife of deceased Bhannaiya is not entitled for the job or for the employment on compassionate ground. Her claim deserves to be rejected. Accordingly, I pass this negative award.

Dated : 09-11-2009

A. N. YADAV, Presiding Officer

नई दिल्ली, 18 दिसम्बर, 2009

का.आ. 138.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, पूणे के पंचाट (संदर्भ संख्या 5/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-12-2009 को प्राप्त हुआ था।

[सं. एल-12012/221/95-आई आर(बी-1)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 18th December, 2009

S.O. 138.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.5 /2005) of the Central Government Industrial Tribunal-cum-Labour Court, Pune as shown in the Annexure in the Industrial Dispute between the management of State Bank of India and their workmen, received by the Central Government on 18-12-2009.

[No. L-12012/221/95-IR (B-I)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI B. C. CHANDRAKAPURE,
INDUSTRIAL TRIBUNAL MUMBAI,
(CAMP AT PUNE)**

Reference (IT) No. 5 of 2005

BETWEEN

The Regional Manager
State Bank of India
2420, East Street
Pune-411001.

First Party

AND

Tanaji Appa Mahapure
Post Patan, Dist. Satara
Chapoli Road, Patan.

Second Party

In the matter of : Demand mentioned in the Sechedule to the order of Reference.

Appearances : Shri D.V.Kulkarni, Advocate for First Party; Shri G. S. Ogale, Advocate for Second Party

AWARD

(Delivered on date : 18-11-2009)

This reference has been referred by the Government of India U/s 10 clause (d) of sub-section (1) and sub-section (2A) of Industrial Disputes Act, 1947, to adjudicate the dispute between the First Party Regional Manager, State Bank of India and Second Party-Shri Tanaji Appa Mahapure.

The dispute pertains the demand of reinstatement with continuity of service and back wages.

2. The facts of the present case in brief, are as follows.

The second party has filed Statement of Claim at Exh. U-4 and submitted that he is Ex-serviceman and retired from Military Services in 1976. He joined as a temporary Security Guard with the first party. He was confirmed in the services as Watchman-cum-Messenger w.e.f. 1-10-86. He has about 20 years with the first party. The service record of the second party is clean and unblemished. No memo or warning was issued to him by the first party. The first party has issued charge-sheet dt. 12-7-97 and prior to that he was issued show cause notice by first party dt. 13-2-97. The certain charges were levelled against him in the charge-sheet and main charge was that he was under influence of liquor and he abused some persons. No alcoholic test was taken and no police complaint was lodged against him. He was also not provided the copies of the complaints of Salunkhe, Karamblekar and Killedar. He was caused great prejudice. As he could not give his defence statement, he was issued show cause notice of dismissal dt. 11-4-98. The enquiry was conducted behind his back. The second party submitted that the finding drawn by the enquiry officer is not based on evidence therefore, it is perverse. The charge-sheet was issued to him on 12-7-97 and finding was ready on 27-8-97 disclosed that the enquiry was conducted in hurriedly. The said enquiry was conducted only on one day on 8-8-97. The enquiry officer deprived the second party of reasonable opportunity of putting his defence. It is submitted that his past service record was not considered by the first party. According to the second party, the punishment of dismissal imposed by the first party was shockingly disproportionate as he has not committed any misconduct. The second party has submitted that he had tried for alternative employment but he could not get it and he is unemployed and has no source of income. The second party has sought the relief to direct the first party to reinstate him in service with full back wages and continuity of service.

3. The first party has resisted the claim of the second party by filing written statement at Exh. C-8. According to the first party, the charge-sheet dt. 23-11-92 issued to the second party and thereafter enquiry was initiated in accordance with the provisions of Shastri Award. He was found guilty of misconduct. The misconduct was proved in enquiry and was warranting the punishment of dismissal. However, leniency was shown and the punishment of stoppage of one increment awarded to him on 31-7-93. It is submitted that the charge-sheet dt. 12-7-97 was issued to the second party. The bank has sought explanation of workman on 13-2-97 to which he had given on 17-2-97 admitting his guilt. On 8-1-97 at about 10.00 p.m. to 10.30 p.m. the second party entered the bank premises while working in Patan Branch and has scolded in abusive language under the intoxication to Mr. D. V. Salunkhe, the

other Watchman and has stated uttering filthy language against Mr. Salunkhe, the then Watchman in a very loud manner. At that time the bank officers Mr. Karambelkar and Mr. Killedar tried to pacify the workman but he acted in totally defiance with their orders for keeping silence in the bank premises, because of which neighbours of the bank also gathered. Therefore, the charge-sheet was issued to him on 12-7-97 under Clauses 521 (4) (c) (e) and (j) of Shastri Award. The second party had given reply to the charge-sheet dt. 17-2-97 and admitted the charges levelled against him. On two occasions he admitted the charges levelled against him. To give opportunity to the second party he was intimated regarding the enquiry which was scheduled on 8-8-97 alongwith representative of his choice to remain present in the enquiry. On 8-8-97 the enquiry was conducted and charges were explained to him. Once again he admitted the charges levelled against him in the enquiry and prayed for mercy. On 8-8-97 he also admitted that on 17-2-97 he tendered these things in writing and once again prayed for mercy on 8-8-97. He admitted his guilt on thrice. According to the first party, no medical certificate is required because the second party admitted the charges levelled against him and there is also no necessity to lodge police complaint against him. After taking into consideration the finding of the enquiry officer and gravity of misconduct, the show cause notice of proposed dismissal was served on 11-4-98. According to the first party, the finding drawn by the enquiry officer is not perverse. The enquiry was conducted after giving full opportunity to him and the second party himself has admitted the guilt on his part and therefore, no prejudice has been caused to him.

4. The first party has submitted that the punishment inflicted on the workman by order dt. 30-6-98 as per Clause 521 (5) (a) of Shastri Award is not shockingly disproportionate. The seriousness of proved misconduct was considered alongwith past service record. The said punishment is on the basis of charge-sheet dt. 12-7-97 which was proved in the enquiry therefore, the punishment is just and proper. The first party has submitted that the demands of the second party be rejected. The Second party is not entitled to reinstate with full back wages and continuity of service.

5. In this case, my predecessor has passed order on 21-6-2008 holding that the enquiry conducted against the second party by the first party, was just and proper and the findings drawn by the enquiry officer are not perverse. Two issues are already decided by me predecessor, hence now remaining issues with my findings, are as follows :

POINTS	FINDINGS
3. Whether the dismissal of second party is legal and valid ?Yes.	
4. Whether second party is entitled for reinstatement with full back wages ?No.

5. What order or award ?As per final order.

6. What second party examined himself in the Court at Exh. U-14 and the first party has declined to lead oral evidence by filing purshis at Exh. C-25.

REASONS

7. **ISSUE NO. 3 & 4 :** The learned counsel for the second party has submitted that the punishment of dismissal imposed by the first party to the second party is shockingly disproportionate. According to him, charges are not proved against him. Therefore, he is entitled for back wages and compensation. The learned counsel for the first party, on the other hand, has submitted that after taking into consideration the gravity of misconduct committed by the second party, the punishment of dismissal imposed upon the second party is not disproportionate. According to the first party, on the basis of proved misconduct he was dismissed from the services. According to the learned counsel for the first party, the second party has admitted his guilt on three occasions. His past conduct was also taken into consideration while imposing the punishment of dismissal. Therefore, 'punishment is not disproportionate. The learned counsel for the second party has relied on the judgement reported in 2000 (84) FIR 580 in the case of Jeeva Transport Corporation Ltd. Vs. Labour Court & anr. (Madras High Court) and submitted that this Court has jurisdiction U/s 11A of I.D. Act to give the relief to the second party wherein the Hon'ble Madras High Court held that "the Industrial Court and Labour Court have jurisdiction to Interfere the order passed by the employer. In that case the enquiry was conducted on the charge that the employee had assaulted Ram Sing employee when he was said to be in a drunken mood. There was a heated exchange of words between the second respondent and the Assistant Engineer, when the Asstt. Engineer refused to grant leave to the second respondent, who was suffering from diarrhoea at the relevant point of time, which ultimately provoked the second respondent to assault the watchman Ram Sing."

In view of this fact, the Hon'ble High Court has held that U/s 11A of the I. D. Act the Labour Court or Tribunal can set aside the order of dismissal and direct reinstatement of the workers. Reported in the case of Executive Officer, Sangli, Zilla Parishad Vs. P.S. Mogli (Bombay High Court). In that case, the employee was dismissed from service for misappropriation after dempartmental enquiry, no evidence was recorded where respondent was held guilty, on the basis of his statement admitting guilty. He was dismissed from the services. He filed complaint before the Labour Court. The Labour Court directed reinstatement with back wages which was confirmed by the Industrial Court. The writ petition was filed wherein Hon'ble High Court held that there is no error on the face of the orders passed by lower Court authority and the High Court cannot re-appreciate the evidence and come to its own conclusion.

8. The learned counsel for the first party, on the other hand, has argued that the punishment of dismissal imposed upon the complainant is not shockingly disproportionate. He has relied upon the judgment reported in 2003 LLR 436 in the case of Chairman and Managing Director, United Commercial Bank & Ors, Vs. P. C. Kakkar (S.C.) wherein the Hon'ble Supreme Court has held that "when a court feels that the punishment is shockingly disproportionate, it must record reason for coming to such a conclusion. Mere expression that the punishment is shockingly disproportionate would not meet the requirement of law."

In 2005-I-CLR-Pg. 803 in the case Mahindra And Mahindra Ltd., Vs. V.N.B. Narawade (S.C.) wherein it is observed by the Hon'ble Supreme Court that "the discretion which can be exercised under S. 11-A is available only on the existence of certain factors like punishment being disproportionate to the gravity of misconduct, so as to disturb the conscience of the court, or the existence of any mitigating circumstances which requires the reduction of the sentence, or the past conduct of the workmen which may persuade the Labour Court to reduce the punishment, in the absence of such factor existing, the Labour Court cannot by way of sympathy alongwith exercise of power u/s 11-A of the Act and reduce the punishment noticed herein above. The punishment of dismissal using of abusive language cannot be disproportionate punishment. The language used by the workman was filthy."

In (2006) SCC Pg. 430, in the case of Hombe Gowda Educational Trust And Another Vs. State of Karnataka & Others. Hon'ble Supreme Court has held in Para 17 that while exercising the discretion u/s 11-A of the I.D. Act, no doubt it is open to the Tribunal to substitute one punishment by another but it is also trite that the Tribunal exercises a limited jurisdiction in this behalf. The jurisdiction to interfere with the quantum of punishment could be exercised only when, inter alia, it is found to be grossly disproportionate.

The learned counsel for the second party has also relied on the Judgment reported in 2009-II-CLR Pg. 61. Ashok Kumar Sharma Vs. Oberoi Flight Services (Delhi High Court). In that case, the appellant loader dismissed from service for misconduct in view of his admission of guilt. No enquiry was held. The Labour Court had not granted any relief to the appellant hence writ petition was filed. The Hon'ble High Court has considered the facts and circumstances of the case and monetary compensation in lieu of reinstatement and back wages was granted.

In 2002-II-CLR 297 in the case of Sher Bahadur Vs. Union of India & Ors. (S.C.), It is held by Hon'ble Court that "this is clearly a case of finding the appellant guilty of charge without having any evidence to link the appellant with the alleged misconduct and as such the orders of the courts below and of disciplinary authority under challenge cannot be sustained and are set aside."

In that case considering the fact compensation equal to average salary for a period of 2 years within 2 months was granted.

9. Now in the present case admittedly it appears that the second party was issued charge-sheet by the first party, that on 8-1-1997 the second party has committed misconduct. The second party has admitted the said misconduct. It appears that he was under influence of liquor and abused Shri Salunkhe who was on duty and Shri Karamblekar and Shri Killedar in the branch. It appears that he also came out the branch and also abused Branch officers and thereafter he remained absent from duty without prior permission. He admitted the misconduct on thrice and on the basis of that proved charges against him, the first party had issued the second show-cause notice and thereafter issued dismissal order vide Exh. C-12. In this case, the enquiry was held legal and proper and the findings of the enquiry was also not perverse. No doubt the second party was working with the first party since 1977 and during his service tenure he was issued charge-sheet on 23 November 1992 vide Exh. U-10. According to the first party, the past record of the second party workman was not good. The learned counsel for the second party has submitted that he has not committed any misconduct earlier. The charge-sheet dt. 23 November 1992 was issued to the second party but he was not imposed any punishment at that time. No doubt there is no document to show that after issuing charge-sheet dt. 23 November 1992 the first party had given any punishment to the second party. However, fact remains that the allegation was levelled against him in the charge-sheet that on 27-7-92 when he joined the second shift he was under influence of liquor and he was unable to control himself. He started abusing in the premises of the bank. Therefore, it cannot be said that his past service record was good because he was issued charge-sheet dated 23 November 1992 on the allegations that he was found under influence of liquor and this charge-sheet is admitted by the second party in his cross-examination. Therefore, the past service record of the second party cannot be said to be good. Now in the present case, the misconduct which is committed by the complainant, is of serious nature and the said misconduct cannot be said to be of minor nature. So gravity of misconduct which is committed by the second party, is of serious nature. As held by the Hon'ble Supreme Court in the above cases, no doubt Industrial Court has jurisdiction to interfere with the punishment imposed by the employer u/s 11-A of the I.D. Act. However, the punishment which is imposed upon the employee has to be seen whether it is harsh and shockingly disproportionate. In the present case, the nature of misconduct which is committed by the second party, can be said to be of serious nature which does not require to reduce the punishment imposed by the first party upon the second party. There is nothing on record to show that the punishment of dismissal given by the first party is

disproportionate, looking to the gravity of misconduct committed by the second party. On the contrary as observed by me above, the second party has abused in filthy language to the concerned watchman and the officials of the first party in the premises of the first party bank, in indiscipline manner, therefore does not call for giving lesser punishment. There is no need to take lenient view. The rulings filed by the learned counsel for the second party does not assist to him in view of finding of Apex Court relied on by the first party.

10. The learned counsel for the second party has argued that considering the fact that he has reached the age of superannuation therefore some monetary compensation and back wages be granted to the second party. The first party produced certain documents below list Exh. C-24. C-24/A is the School Leaving Certificate of the second party, from which it appears that his date of birth is 1-6-1941. As per bipartite settlement Exh. C-24/B, it is seen that the date of retirement of employee of the bank is 60 years. Admittedly he has reached for retirement from the services of the first party bank after completion of 60 years. The learned counsel for the second party has argued that, considering the fact that he has reached the age of retirement therefore, compensation and back wages may be granted. The learned counsel for the first party, on the other hand, has submitted that he is not entitled for the back wages. In support of his submission he has relied on 2006-LLR-Pg. 662, in the case of Municipal Council Vs. Surinder Kumar (S.C.) wherein it is held by the Hon'ble Supreme Court that "the burden is upon the workman to prove that he has completed 240 days service and the reinstatement with full back wages cannot be granted automatically since it depends upon the nature of the appointment, the purpose for which such appointment had been made, the duration/tenure of work, the question whether the post was a sanctioned one, being relevant facts which must be taken into consideration." He has also relied on 2006-LLR-Pg. 214, in the case of U.P. State Brassware Corpn. Ltd. & Anr. Vs. Udai Narain Pandey (S.C.) wherein it is held by the Hon'ble Supreme Court that "the workman did not raise any plea in his defence statement that he was not gainfully employed during the period whereas it is now well settled by various decisions that although earlier the Apex Court insisted that it was for the employer but having regard to the provisions of Section 106 of the Indian Evidence Act or the provisions analogous thereto, such a plea should be raised by the workman." There is no dispute about the proposition laid down in above referred cases. In the present case, it appears that considering the fact that he has committed misconduct of serious nature and the said misconduct is committed in the premises of the bank. Earlier also, he was issued charge-sheet when he was found under influence of liquor and therefore considering his gravity of misconduct and past record the punishment imposed by the first party is not disproportionate.

Therefore, a lenient view cannot be taken in this matter. In such circumstances, the punishment of dismissal given by the first party is proportionate to the misconduct committed by the second party and therefore he is not entitled for reinstatement with continuity of service and even for full back wages, he is also not entitled for any compensation as per argument advanced by the learned counsel for the second party. Issue No. 3 and 4 are answered accordingly and I proceed to pass the following order.

ORDER

1. The reference is answered in negative.
2. No order as to costs.
3. Copy of Award be sent to the Government for its publication.

Pune

Date: 13-11-2009

B. C. CHANDRAKAPURE, Industrial Tribunal.

नई दिल्ली, 18 दिसम्बर, 2009

का.आ. 139.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चैन्नई के पंचाट (संदर्भ संख्या 20/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-12-2009 को प्राप्त हुआ था।

[सं. एल-12012/1/2007-आईआर(बी-1)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 18th December, 2009

S.O. 139.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.20/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the management of State Bank of India and their workmen, received by the Central Government on 18-12-2009.

[No. L-12012/1/2007-IR (B-I)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Monday, the 14th December, 2009

Present : A. N. JANARDANAN, Presiding Officer

Industrial Dispute No. 20/2007

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section (2A) of

Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of State bank of India and their Workman).

BETWEEN

Sri J. Rajagopalar

Petitioner/1st Party

Vs.

The Dy. General Manager,
State Bank of India,
Tiruchirapalli.

... Respondent/2nd Party

APPEARANCE

For the Petitioner : Sri S. Vaidyanathan.

For the Management : Sri Gopalaratnam.

AWARD

The Central Government, Ministry of Labour vide its Order No. L-12012/1/2007-IR (B-I) dated 15-5-2007 referred the herein below scheduled Industrial Dispute to this Tribunal for adjudication :

The Schedule mentioned in that order is :

"Whether the punishment of 'Dismissed without Notice from Service' w.e.f. 28-06-2005 imposed on Sri J. Rajagopalan by the Management of State Bank of India, Trichy is legal and justified? If not, to what relief the workman is entitled?"

2. The referred Industrial Dispute was taken on file as ID No. 20/2007.

3. Pursuant to notice, both sides entered appearance through their Advocates and filed their Claim Statement and Counter Statement as the case may be.

4. The precis of allegations in the Claim Statement is as follows :—

The petitioner had been appointed as Clerk in the State Bank of India at Tiruvonam branch on 01-06-1992 whereafter he was transferred to Pudukkottai in July 1999 and then to Aranthangi branch on 04-01-2003. On 24-02-2003, he was suspended by the Disciplinary Authority, Region-I, Tiruchirapalli pending initiation/completion of disciplinary proceedings against him for acts of gross misconduct alleged to have been committed while he was working as Asstt. (Accounts) at Pudukkottai branch of which acts of gross misconduct alleged against him he had not been made aware of while he was suspended or even thereafter for more than a year. After one year, he was given a charge sheet on 05-03-2004 alleging him to have committed lapses and irregularities under gross misconduct in terms of Clause-5(j) of the Memo of Settlement dated

10-04-2002 which he denied as per his explanation dated 25-03-2004, the same having been not found satisfactory. Thereafter, the Asstt. General Manager, Region-II ordered enquiry on 20-04-2004 and Mr. N Muthukrishnan, Manager, Region-III, Tiruchirapalli was appointed as Enquiry Officer. The Enquiry Officer filed an enquiry report on 17-03-2005 holding the charges (i) and (ii) against him to have been proved and the third charge as partly proved. The Asstt. General Manager concurred with the finding and proposed the punishment of dismissal without notice on 02-06-2005 which was confirmed on 28-06-2005 after his personal hearing. The appeal preferred before the Appellate Authority on 17-02-2006 was rejected. Thereafter, the present Industrial Dispute was raised before the Asstt. Commissioner Labour (C), Madurai for a conciliation proceedings which ended in failure. It is thereafter that this dispute has been referred by the Govt. of India to this Tribunal. The proceedings conducted by the Enquiry Officer are not proper, fair and are against the principles of natural justice. The Presenting Officer produced three Xerox copies of documents and one witness on his side examined as PW1 in the enquiry who was examined in chief only on 23-10-2004. On that date, since some time was required for cross examination on account of a letter dated 10-06-2004 surprisingly introduced through PW1 inspite of objections, the sitting was adjourned to 26-08-2004. On that date, since the PW1 did not turn up, the proceedings were adjourned on 27-10-2004. On that date PW1 appeared and while cross examination was going on at the lunch break, the proceedings were once again adjourned without specifying the date on the request of WW1. On the next posting date 13-12-2004, PW1 did not turn up and, therefore, the enquiry was adjourned to 10-01-2005 on which day PW1 did not turn up, reportedly stating that he was not willing to attend the enquiry for cross examination and left abruptly without subjecting himself for cross examination. Despite the request by the defence to the Enquiry Officer not to give credence to the deposition of PW1, not subjected to cross examination, the Enquiry Officer recorded his finding also relying upon the deposition. The enquiry conducted by the bank is farce, stage-managed, not proper or fair. The objections of the defence were not considered by the Enquiry Officer. The prosecution documents and the deposition of PW1 were relied upon much against the principles of natural justice depriving the opportunity to defend the case. The punishment of dismissal imposed based upon the perverse findings of the Enquiry Officer is not only harsh but is also not commensurate with the gravity of act allegedly committed. Only a thorough, objective and impartial analysis of the entire proceedings will throw light on the probe which has been shadowed by pre-conceived notions of the Enquiry Officer. Therefore it is prayed that the punishment of "dismissed without notice" from service w.e.f. 28-06-2005 be found not legal and not justified and the bank may be directed to reinstate the petitioner with back wages and continuity of service.

5. In the Counter Statement filed by the Respondent, the following contentions he were raised :

The petitioner on 24-04-2002 while he was working as Asstt. (Cash) at Pudukkottai branch of the Respondent Bank took 5 covers containing SCs lodged on account of Sri A. Ayub meant for despatch to Services Branch, New Delhi from Sri R. Natarajan, Courier Representative and delivered the same to the officiating Manager, as the first charge framed against him by the Disciplinary Authority. The second charge is that the petitioner in March, 2002 demanded the said Natarajan to return to him the envelopes booked into Service Branch, Mumbai containing SCs lodged on various dates on account of Current Account No. 01090/012511 of Sri S. Ayub. He thus colluded with S. Ayub and defrauded the bank to the tune of Rs. 1,09,86,000 and caused loss to the bank to the tune of Rs. 1,08,07,599 approximately. The third charge is that on 18-05-2002, the petitioner accepted a dinner hosted by S. Ayub, the fraudster as his guest at Hotel Royal Southern, Trichy. The above said acts amounted to an act prejudicial to the interest of the bank and gross misconduct in terms of Clause-5(j) of the Memorandum of Settlement dated 10-04-2002. Since the charges were denied and enquiry was conducted in which Mr. Natarajan was examined as PW1 on behalf of the Management. He did not turn up for cross examination. Therefore, the enquiry was concluded and report was filed upon which after obtaining the comments from the petitioner a punishment of dismissal without notice was proposed which was thereafter imposed after a personal hearing with the petitioner. The same was confirmed by the Appellate Authority. Thereafter the present Industrial Dispute has been referred. The Respondent prayed that in the event of the Tribunal reaching a conclusion that the enquiry is not fair and proper and is defective, it may be permitted to adduce further evidence to substantiate the charges and justify the punishment.

6. Initially the question as to the fairness of the enquiry was raised on behalf of the petitioner and, therefore, that question was heard as a Preliminary Issue. As per order dated 07-01-2009, it was held that the enquiry conducted was not just and proper since the witness examined on behalf of the Respondent had only been examined in Chief and an opportunity for his cross-examination was not made available to the petitioner leaving the evidence of the said witness as no evidence at all in the eye of law which part of the evidence having not been tested by the touchstone of cross-examination. Upon such finding, an opportunity was afforded to Respondent/Management to establish his contention by further enquiry.

7. In the de novo enquiry commenced at the instance of the Respondent, MW1 was examined in cross following the filing of Proof Affidavit in lieu of Chief Examination and Ex. M1 to Ex. M5 were marked whereafter WW1 was

examined on the side of the petitioner and Ex. W1 to Ex. W7 were marked. Heard both sides and perused the records.

8. Points for determination are :

- (i) Whether the punishment of "Dismissed without notice from service" is fair and proper?
- (ii) To what relief the concerned workman is entitled?

Points 1 & 2

9. The charges against the petitioner are that he took 5 covers containing SCs lodged on account of one Ayub meant for despatch to Service Branch, New Delhi from one R. Natarajan, Courier Representative and delivered the same to Officiating Manager, he in March, 2002 demanded Natarajan to return envelopes booked into Service Branch, Mumbai on account of Current account No. 01090/012511 of Sri Ayub and colluding with him defrauded the bank to the tune of Rs. 1,09,86,000 and caused loss of Rs. 1,08,07,599 approximately and on 18-05-2002, the petitioner accepted a dinner hosted by Ayub. The above acts are prejudicial to the bank and amount to gross misconduct.

10. MW 1 Muthukrishnan, Chief Manager of Pudukkottai branch testified that he heard about the huge fraud perpetrated by C.P. Radhakrishnan, Officiating Branch Manager of the branch and the petitioner Rajagopalan colluding with one Ayub. There was a loss to the tune of Rs. 1.08 crores to the bank. According to him as bank's usual practice cheque sent for collection and handed over to the Courier for transmission will not be taken back and if a Branch Manager has done so, it would only be with ulterior motive and such acts would be beyond the scope of his authority and will not be lawful. This fact is to the awareness of all bank employees. Further according to him, Courier Representative, Mr. Natarajan appeared during the domestic enquiry and was examined in Chief but he was not available again for cross-examination. In cross-examination, MW1 admitted that he understood the charge only from the records. He was not working in the same branch while charge was issued. The petitioner who was examined as WW1 testified that he as per the instructions of the Officiating Chief Manager went to the courier office and requested the courier person to return the cheque. On the request of Courier Boy, he dropped him at the branch which was on the way to his residence. He denied having deliberately taken the envelopes containing SC schedules and to have handed over to Radhakrishnan, the Officiating Chief Manager. He denied knowledge of fraud or any collusion or cooperation with Chief Manager. Courier Agent Natarajan and Radhakrishnan are accused in CBI case. He disowned knowledge of the modus operandi of the actus-rea of the fraudulent transactions. He would further say that he came to know only by now that Ayub cheated

banks. The dinner party he attended was arranged by the Officiating Chief Manager Radhakrishnan. He denied the dinner party having been arranged by Ayub. According to him, himself, Chief Manager Radhakrishnan and Raghunathan who is still in service of the bank attended the dinner party.

11. Even in the enquiry at the instance of the Management held before this forum, the Respondent/ Management has not been able to prove the Charges against the petitioner. The witness Natarajan who was examined only in part by way of Chief Examination in the domestic enquiry for want of whose presence for Cross-Examination, the enquiry was found not proper could not again been procured and cross-examined. The evidence available is only that of MW1, the present Chief Manager who took charge of the branch at Pudukkottai only subsequent to the incident in this case. His knowledge relating to the incident is only from what he could gather from the records and not direct. He has made it clear that the act of the Officiating Manager cannot but be without ulterior motive. Though the petitioner is shown to be a man who did certain overt offending acts on being instructed by the Officiating Manager, there is nothing to show that for that part of his actus-rea the petitioner has had any mensrea. His case is that he was only obeying the instructions of the Officiating Chief Manager. He is not shown to have had any deliberate intention other than to act in accordance with the instructions of the Officiating Chief Manager, his official superior. Though according to MW1, all staff members of the bank could be aware as to the bank practice and rules, it is not known whether in spite of any instruction from the Officiating Chief Manager to do a positive act the petitioner has had the knowledge to avoid compliance of the instructions emanated from the Officiating Chief Manager who is none other than his boss. It is not abundantly clear as to whether the petitioner was actually colluding or cooperating with his Official Boss with the very knowledge that he was doing is contrary to rule, bank practice or law. The involvement of the petitioner by way of participating in the dinner party cannot be a conclusive or reliable pointer of guilt against the petitioner for the reason that his colleague Raghunathan who is still in service of the bank had attended the same party. According to the petitioner, the party was arranged by the Officiating Chief Manager and not by Ayub.

12. On a consideration of the entire facts and circumstances, there is no evidence even of a preponderating nature to hold that the petitioner is actually guilty of the charges leveled against him. The circumstances discernibly cannot be found to be logically probative to a prudent mind to hold that at any cost the petitioner is also equally guilty with the Officiating Chief Manager or any other. Therefore, the petitioner is only to be found not guilty of the charges.

13. In the result, it is held, that the punishment of dismissal without notice from service w.e.f. 28-06-2005 imposed on the petitioner is not legal or justified. Therefore, the petitioner is entitled to be reinstated into service forthwith with continuity of service and all other attendant benefits. But he is not entitled to backwages in the absence of proof that he is not beneficially employed during the interregnum.

14. The reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 14th December, 2009)

A. N. JANARDANAN, Presiding Officer

Witnesses Examined:-

For the I Party/ : WW 1, Sri J. Rajagopalan
Petitioner

For the II Party/ : MW 1, Sri S. Muthukumaraswamy
Management

Documents Marked :-

From the Petitioner's side

EX. No.	Date	Description
Ex. W1	24-02-2003	Suspension Order
Ex. W2	30-12-2004	Reply to amended charge sheet
Ex. W3	—	Enquiry proceedings 27-10-2004, 10-01-2005
Ex. W4	10-01-2005	Defence Representative letter
Ex. W5	—	Despatch Register (Courier) dated 12-03-2002, 04-04-2002, 17-04-2002, 24-04-2002, 26-04-2002, 30-04-2002 and 02-05-2002
Ex. W6	—	Attendance Register from 22-04-2002 to 27-04-2002
Ex. W7	—	Enquiry proceedings

From the Management side

EX. No.	Date	Description
EX.M1	25-02-2004	Charge Sheet
EX.M2	—	Reply to Charge Sheet
EX.M3	—	Amendment to Charge Sheet
EX.M4	10-06-2004	Letter written by R. Natarajan, Courier Agent
EX.M5	—	Reply given to the show-cause notice.

नई दिल्ली, 18 दिसम्बर, 2009

का.आ. 140.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट (संदर्भ संख्या 99/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-12-2009 को प्राप्त हुआ था।

[सं. एल-41012/153/98-आईआर(बी-1)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 18th December, 2009

S.O. 140.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.99/99) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the annexure in the Industrial Dispute between the management of Central Railway and their workman, received by the Central Government on 18-12-2009.

[No. L-41012/153/98-IR (B-I)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/99/99

Presiding Officer : SHRI MOHD. SHAKIR HASAN

Shri Shitla Prasad, S/o Laxman Prasad,

Near Railway Station, Chandni,

Tehsil Nepanagar,

Distt. Khandwa (MP)

... Workman/Union

Versus

General Manager,

Central Railway, Mumbai C.S.T.,

Mumbai

The Divisional Railway Manager,

Bhusawal

... Management

AWARD

Passed on this 3rd day of December, 2009

1. The Government of India, Ministry of Labour vide its Notification No. L-41012/153/98-IR (B-I) dated 25-2-99 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the management of General Manager, Central Railway, Mumbai in terminating the services of Shri Shitla Prasad S/o Laxman Prasad w.e.f. 7-4-86 is justified? If not to what relief the workman is entitled for?”

2. The case of the workman in short is that the workman was engaged by the non-applicant on service

card No. 323445 on 19-6-82. The same was verified by P.W.1 (C) vide his letter No. NSPT/PNUL/JA SAI dated 26-5-88. On completion of the construction work at Thal, his service was transferred to Bhusawal Division, Central Railway, Bhusawal where he worked as a porter under Station Master, Mandwa on monthly rated muster roll casual labour. Thereafter he worked as Relieving Pointsman. It is stated that he worked from 19-6-82 to 7-4-86 on Muster roll for a total period of 1334 days. He was medically examined for absorbing permanent post of Class IVth of Poter or Pointsman and was found fit as per certificate No. 114668 dated 29-6-84. He was granted all facilities of Railway as per rules. It is stated that the management issued a notice No. BSL/P/T/19/11 dated 7-3-86 of his termination from service without giving any show cause though there was nothing adverse against him. It is stated that the co-workers are still working under the management. It is stated that the non-applicant/management has not complied the provision of Sec.25-F of Industrial Dispute Act, 1947 before terminating his service and he worked more than 240 days in a calendar year before terminating his service. Under the circumstances, the reference be answered in favour of the workman with costs.

3. The non-applicant appeared in the reference and filed Written Statement. The case of the non-applicant, interalia, is that the workman/applicant worked as muster roll casual labour in Bhusawal Division from 4-5-83 to 13-8-83 and further from 25-8-83 to 7-4-86 but he worked as a substitute Pointsman. It is stated that for regularization of service of the applicant/workman and other employees a Screening Committee was constituted and he was qualified in Medical examination. It is stated that a notification for absorption of casual labour/substitutes for filling the post of Asstt. Pointsman vide letter No. BSL/P/T/14/Panel dated 4-9-84 was issued. One of the condition in the said notification was that those, who were engaged as casual labour/substitute pointsman prior to 18-12-80 and holding casual working card issued prior to 18-12-80 were eligible for regularization. The Screening Committee did not find the applicant fit for regularization as he was appointed after 18-12-80 as casual labour. It is stated that his service was terminated after due compliance of the provision of Sec-25(F) of the Industrial Dispute Act, 1947. It is admitted that the non-applicant filed a detail reply dated 22-6-98 before the Asstt. Labour Commissioner (Central), Bhopal at the time of conciliation proceeding. It is admitted that Rs.80 is pending of the applicant toward Provident Fund and the same is to be paid in due course. It is stated that the dispute is raised at very belated stage with latches. On these ground, the reference be answered in favour of the management.

4. Now the only issue for decision is as to whether the action of the management in terminating the service of the applicant Shitla Prasad, S/o Laxman Prasad w.e.f. 7-4-86 is justified?

5. Before discussing the evidence, now let us enumerate the admitted facts which are as follows:

(1) The applicant was engaged and worked from 4-5-83 to 13-8-83 and further from 25-8-83 to 7-4-86 as muster Roll casual Labour (in short MRCL) in Bhusawal Division.

(2) He had also worked during the said period as substitute pointsman.

(3) The Service Card No. 323445 was issued to him on his engagement as MRCL and the same was verified by P.W.I.(C) vide his letter No. NSPT/PNUL/JASAI dated 26-5-1988.

(4) The applicant was also medically examined for absorbing in permanent post and was found medically fit.

(5) The management issued notice vide BSL/P/T/19/11 dated 7-3-86 for terminating him from service.

(6) The provident Fund amount of Rs.80 of the applicant is yet to be paid.

6. Now let us examine the evidence adduced by the applicant/workman in the case. The workman, Shri Shitla Prasad is himself examined in the case. He has stated that he worked from 19-6-82 to 7-4-86 on the basis of service card. He has stated in his cross-examination at para 10 that no amount was paid on his termination after giving notice. There is nothing in his evidence to disbelieve him rather it appears that it is an admitted fact that he was engaged by the management for more than 240 days in a calendar year before termination. His evidence shows that he had not been paid in accordance with Section 25-F of the Industrial Dispute Act. (in short I.D. Act, 1947)

7. The workman has also filed document in the case. Exhibit W/1 is the copy of reference order of the present case. The workman has also filed carbon copy of the reply dated 22-6-98 of the management which was filed before the Asstt. Labour Commissioner (Central), Bhopal (Paper No. 12/6). It is admitted in the written statement of the non-applicant that the non-applicant had filed detail reply dated 22-6-98 before the ALC(C), Bhopal. This shows that it is an admitted document. The said reply shows that the non-applicant had admitted that the applicant was engaged since 19-6-82 to 7-4-86 for 1303 days as has been claimed by the applicant. Thus it is evident that he was engaged for 1303 days from 19-6-82. He has also filed original service card. The said service card also shows that he worked from 19-6-82 to 7-4-86 for 1303 days. Thus it is clear that the applicant was a workman under Section 2(s) of the I.D. Act 1947 and before retrenchment the provision of Sec-25F of the I.D. Act is to be complied.

8. The burden is on the non-applicant to establish that the applicant was terminated after compliance of the provision of Sec-25-F of the I.D. Act. To prove the case the

non-applicant has also adduced evidence. Shri J. L. Pandey is Asstt. Personnel Officer, Central Railway, Bhusawal. He has simply stated that the applicant was terminated after complying the provision of Section 25 F of the I.D. Act, 1947. There is nothing on the record to show that compensation was paid or not and if paid then what was the amount. The non-applicant has not even filed the notice of termination. The applicant has filed the photocopy of the notice of termination which is Paper No. 2/27. This shows that retrenchment compensation was not paid as due under Section 25(F) of the I.D. Act, 1947. Section 25(F) of the I.D. Act, 1947 runs as follows :

“25-F Conditions precedent to retrenchment of workmen- No workmen employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until-

(a) The workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice:

(b) The workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen day's average pay for every completed year of continuous service or any part thereof in excess of six months; and

(c) Notice in the prescribed manner is served on the appropriate Government or such authority as may be specified by the appropriate Government by notification in the Official Gazette.”

Thus it is clear from the evidence on the record that the notice was given one month before but there is no evidence to show that the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to 15 days average pay. It is evident that the non-applicant has violated the provision of Section 25(F)(b) of the I.D. Act, 1947 and notice was not given in accordance to the Rule 76 of the Industrial Dispute (Central) Rules 1957. Accordingly the notice for retrenchment to the applicant issued on 7-3-86 is quashed. The non-applicant is directed to reinstate the applicant workman from the date of termination. Hence the issue is decided in favour of the applicant and against the non-applicant.

9. The learned counsel for the non-applicant has urged that there was delay of about 14 years in raising the dispute before the authority. The applicant has stated in his evidence that he had protested several times orally as well as in writing and when there was no response of the authority, he raised dispute. In support of his contention the applicant has filed copies of the applications which

were given to the authority, There is no cross-examination on this point. However the learned counsel for the applicant has referred a decision of the Hon'ble High Court of M.P., At Jabalpur passed in W.P. No. 6832 of 2000 Gansh Prasad Versus Union of India and others on 3-12-2003. In this particular case, the non-applicant has not shown that any prejudiced is caused to the management. Thus the above decision appears to be applicable in the case and the applicant has also explained the cause of delay in his evidence.

10. Now the point is as to whether the applicant is entitled to any further relief.

11. The learned counsel for the workman urged that the applicant is entitled to full back wages from the date of termination with costs. The learned counsel has filed a decision of the Hon'ble High Court of M.P., At Jabalpur passed in W.P. No. 380/2000 Union of India Versus Presiding Officer and others on 11-2-03 wherein the Hon'ble Court has directed to pay 50% back wages for the period in between termination to reinstatement. I also find that it is just and proper to direct the non-applicant to pay 50% back wages from the date of termination to the date of reinstatement. Accordingly it is answered.

12. On the basis of the direction made above, the award is passed without any order as to costs.

13. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 18 दिसम्बर, 2009

का.आ. 141.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 32/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-12-2009 को प्राप्त हुआ था।

[सं. एल-12012/253/95-आईआर(बी-1)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 18th December, 2009

S.O. 141.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.32/97) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the annexure in the Industrial Dispute between the management of State Bank of India and their workmen, received by the Central Government on 18-12-2009.

[No. L-12012/253/95-IR (B-I)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/32/97

Presiding Officer : SHRI MOHD. SHAKIR HASAN

The Asstt. Secretary,
State Bank of India subsidiary Bank,
Employees Union,
C/o State Bank of India,
Chhindwara (MP)

... Workman/Union

Versus

Regional Manager,
State Bank of India,
Region No. IV,
Bhopal

... Management

AWARD

Passed on this 7th day of December, 2009

1. The Government of India, Ministry of Labour vide its Notification No. L-12012/253/95-IR (B-I) dated 29-1-97/7-2-97 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the Regional Manager, State Bank of India, Region-IV, Bhopal in not making revision/fixation of wages as per the “Fitment Formula” of Shri M. S. Verma, Cashier-Cum-clerk of State Bank of India, Chhindwara Branch (MP) is justified or not? If not to what relief are the said workman entitled to?”

2. The case of the Union, in short, is that the workman Shri M.S. Verma is member of the Union who was appointed as a messenger at ADB, Branch, Chhindwara of State Bank of India w.e.f 1-1-72. He appeared in NIBM Test conducted by Regional recruitment Board for appointment of clerk/cashier in the Bank and was successful. As such, he was appointed on the post of clerk/cashier vide order GAV/390 dated 24-7-78 and was transferred to Jabalpur Main Branch of the State Bank of India. It is stated that the workman was entitled for the wage fitment formula as applicable to the subordinate staff promoted to clerical cadre and payment of advance increments vide Para III (i) to (vi) of chapter 14 of the handbook of staff matters. The management is said to have refused to revise the salary as per fitment formula on the ground of new entrant. It is submitted that the management be directed to revise his pay in view of the fitment formula.

3. The management appeared and filed Written Statement in the case. The case of the management, inter alia, is that the workman was admittedly engaged in subordinate cadre as Messenger at ADB Chhindwara Branch on 1-1-72. He was eligible for promotion list but did not succeed. Later the Regional Recruitment Board

advertised for the appointment of fresh appointment of clerk/cashier/typist. The employees of the Bank who were eligible were given opportunity to appear in the test/interview. Shri M. S. Verma also applied and appeared and was selected by the Board. The workman Shri Verma was not promoted on the basis of any departmental test and as such, he was not entitled for the benefit of the wages of Fitment formula. It is submitted that the workman is not entitled to any relief.

4. The Union/workman became absent. Thereafter the then Tribunal proceeded *ex parte* against the workman on 5-11-2008.

5. The only issue is as to whether the action of the management for not revising the wages of the workman as per fitment formula was justified?

6. To prove the case, the management has adduced evidence. Shri D. G. Badwelkar is Asstt. General Manager (Adm.) in the State Bank of India, Bhopal. He has supported the case of the management. He has stated that the workman Shri M. S. Verma was not promoted alongwith other messengers. He applied to the Recruitment Board for appointment on advertisement. He was selected on the basis of recruitment procedure and appointment order dated 24-7-78 (Exhibit M/2) was issued with terms and conditions of the appointment. He accepted the said terms and condition and joined as new entrant. He has stated that Shri Verma was not entitled to the benefit of fitment formula as he was new entrant as a clerk on open selection. His evidence is un rebutted. His evidence clearly shows that the appointment of Shri Verma was new appointment to the post and this fitment formula is not applicable to the new appointment. This shows that the management was justified for not giving the benefit of fitment formula to the workman. This reference is decided in favour of the management.

7. In the result, the award is passed *ex parte* against the workman without costs.

8. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 18 दिसम्बर, 2009

का.आ. 142.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 159/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-12-2009 को प्राप्त हुआ था।

[सं. एल-12012/321/97-आईआर(बी-1)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 18th December, 2009

S.O. 142.—In Pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 159/98) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the annexure in the Industrial Dispute between the management of State Bank of India and their workmen, received by the Central Government on 18-12-2009.

[No. L-12012/321/97-IR (B-I)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR**

NO. CGIT/LC/R/159/98

Presiding Officer : SHRI MOHD. SHAKIR HASAN

Shri Komal Singh,
S/o Shri Amar Singh,
Vill & P.O. Salon "B",
Tehsil Bhandar,
Distt. Gwalior (MP)

...Workman/Union

Versus

The Chief General Manager,
State Bank of India, LHO,
Hoshangabad,
Bhopal

...Management

AWARD

Passed on this 7th day of December, 2009

The Central Government, Ministry of Labour vide its Notification No. L-12012/321/97-IR (B-I) dated 22-7-98 has referred the following dispute for adjudication by this tribunal:-

"Whether the action of the management of Chief General Manager, State Bank of India, in terminating the services of Shri Komal Singh S/o Shri Amar Singh w.e.f. 31-5-1997 is justified? If not to what relief the workman is entitled for?"

2. The case of the workman, in short, is that the workman was appointed as a temporary sweeper since December 1983 but he was illegally terminated from the service vide order No. 9 dated 31-5-97. He was in continuous service for 14 years and had completed 240 days in each calendar year under the provision of Section 25 (B) of the Industrial Dispute Act, 1947 (in short I.D. Act 1947). It is stated that he was terminated without any notice and without complying the provision of Section 25-F of the I.D. Act, 1947. It is submitted that the reference be answered in his favour.

3. The non-applicants appeared and filed Written Statement. The case of the non-applicants *inter alia*, is that

the applicant/workman was employed on daily wages as a temporary messenger at Salon "B", Pargana Bhandar, Distt. Gwalior, MP in the branch of SBI. He had worked 45 days in the year 1989 and 29 days in the year 1990 only. It is stated that before engagement on daily wages, he was also engaged as temporary part time sweeper on consolidated wages from Dec, 1983 to July, 1988 on contractual basis. He was never engaged 240 days in a calendar year preceding the date of reference. The provision of Sec-25-B and 25-F of the I.D. Act is not applicable in the case rather the provision of Section 2(oo) (bb) of the I.D. Act is applicable. Accordingly it is submitted that the reference be answered in favour of the management.

4. The applicant/workman subsequently did not appear in the case and therefore the then Tribunal proceeded exparte against the workman on 7-8-06.

5. Now the only issue is as to whether the action of the non-applicants in terminating the service of the workman was justified?

6. To prove the case, the non-applicants has examined witness in the case. Shri J. P. Soni was Chief Manager (Administration), S.B.I., Region-IV, Zonal Office, Gwalior. He has supported the case of the management. He has stated that the workman worked for 45 days in the year 1989 and 29 days in the year 1990. He has stated that a copy till 21-5-97 for how many days. He has stated that a copy of statement of the period of his engagement is filed which is Exhibit M/1. The said statement corroborates the evidence of this witness. He has also stated that he never worked for 240 days in a calendar year particularly preceding the date of his non-engagement. This clearly shows that the provision of Sec-25-F of the I.D. Act is not applicable and the action of the non-applicant was justified. Accordingly the reference is answered in favour of the management.

7. In the result, the award is passed exparte against the workman without any order to costs.

8. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 18 दिसम्बर, 2009

का.आ. 143.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एन. एफ. रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण असम के पंचाट (संदर्भ संख्या 2/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-12-2009 को प्राप्त हुआ था।

[सं. एल-41011/28/2002-आईआर (बी-1)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 18th December, 2009

S.O. 143.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.2 /2003) of the Central Government Industrial Tribunal-cum-Labour Court, Assam as shown in the annexure in the Industrial Dispute between the management of N. F. Railway and their workmen, received by the Central Government on 18-12-2009.

[No. L-41011/28/2002-IR (B-I)]

SURENDRA SINGH, Desk Officer

ANNEXURE

IN THE INDUSTRIAL TRIBUNAL: GUWAHATI
ASSAM

REFERENCE CASE NO. 2 (C) OF 2003

Present : Md. S. Hussain, LLB., A.J.S.,
Presiding Officer,

Industrial Tribunal, Guwahati.

In the matter of an Industrial Dispute between :

The Management of
N. F. Railway, Guwahati.

Versus

Their workmen Shri Siba Prasad Bhattacharjee,
Shri Dharmeswar Pathak and Shri Ashok Dey represented
by the General Secy., Railway Mazdoor Union, 27/B, Rest
Camp. Pandu

APPEARANCE

Shri Kailash Kr. Sarma, Advocate :
For the Management

Ld. Advocate Mr. Asish Dasgupta :
For the Union

Date of Award : 17-11-2009

AWARD

The Government of India, Ministry of Labour, New Delhi by notification No. L-41011/28/2002-IR (B-I) dated 29-11-2002 referred an industrial dispute between the Management of the General Manager (P) N.F. Railway, Guwahati and their workmen Sri Siba Prasad Bhattacharjee, Sri Dharmeswar Pathak and Sri Ashok Dey on the following issue to be determined by this tribunal:-

“Whether the action of the Management of N. R. Railway, Maligaon, Guwahati by not absorbing Sri Siba Prasad Bhattacharjee, Sri Dharmeswar Pathak and Ashok Dey in Group 'D' post in the year, 1991-92 is justified? If not, what relief S/Shri Siba Prasad Bhattacharjee, Dharmeswar Pathak and Ashok Dey are entitled ?”

2. In this reference case, the management side filed their written statement and the workmen side also filed their written statement as well as addl. written statement in response to the written statement submitted by the management. The management examined only one witness

in support of their case but the workmen side examined three witnesses in support of their case. Both sides also adduced their documentary evidences so as to support their respective case.

3. After closing the evidence, my predecessor Presiding Officer Mr. Badanch Bora, on 30-8-05 heard the argument of both sides' learned advocates and passed an award on 25-4-2005. Being dissatisfied with that award, the workmen Sri Siba Prasad Bhattacharjee and Sri Dharmeswar Pathak filed writ petition before the Hon'ble Gauhati High Court which was registered as W.P. (C) No. 2601/2006. Hon'ble High court disposed of that writ petition by delivering judgment on 18-2-09. By the said judgment, Hon'ble High Court set aside the award passed by this tribunal on 25-4-05 and remanded the matter to this tribunal for decision on the entitlement of the petitioners for absorption in the light of stipulated conditions of eligibility spelt out by the policy document of Railway Deptt. Dated 30-5-2000. In that judgment Hon'ble High Court held that a document dated 10-9-2001, issued by Divisional Manager (P) APDJ (Ext.Z/1), provides that staff employees of railway co-operative societies would be covered by the policy decision dated 30-5-2000 and said policy decision also contemplates absorption subject to fulfillment of prescribed educational qualification and certain other requirement with regard to the age etc. but the materials on record do not permit that court to reach any firm conclusion as to whether the workmen concern does or does not fulfill the aforesaid requirement spelt out by the policy decision dated 30-5-2000 and that point is to be determined from the material to be produced by the parties. Thus, from the said observation of the Hon'ble High Court it is crystal clear Hon'ble High Court declares that the workmen of this case is coverable under policy decision of N.F. Railway dated 30-5-2000 and the workmen are entitled to be absorbed in grade 'D' post provided they fulfill requisite qualification and age.

4. After receiving the case on remand from the Hon'ble High Court, I direct both the parties to give evidence on the matter of qualification and age of the workmen, and accordingly W.W.1 Dharmeswar Pathak and W.W.2 Siba Prasad Bhattacharjee gave addl. Evidence on the matter of their educational qualification and age and they were cross-examine by the management side. The management side also gave evidence of one Sri Monoj Basumtary on the same matter. After hearing of addl. evidence of the parties on the matter of age and qualification of the workmen, I on 11-11-09, heard the argument of learned advocate Mr. K. K. Sarma for the management and the learned advocate Mr. A. Dasgupta for the workmen. Today I pass the award as follows.

5. By filing written statement, the union side states that by not absorbing Sri Siba Prasad Bhattacharjee, Sri Dharmeswar Pathak and Sri Ashok Dey, who belong to Rangia Railway Consumer Co-operative Society, in Group

'D' post of N. F. Railway from 1991-92 till date the management violates the policy decision made by General Manager(P) N.F. Railway and also caused infringement of the Fundamental Right of the workmen. The Management of N. F. Railway failed to response the series of representation filed by the workmen in the matter of their claim to be observed in Group 'D' post of N.F. Railway. The workmen were employee of Rangia Railway Consumer Co-operative Society Rangia being appointed on 30-11-82 by the management of the Co-operative society on depositing a sum of Rs. 200 as security money by each employees. Owing to some railway necessities for innovation the building where the Co-operative Society was housed was dismantled w.e.f. 1-11-95. After giving assurance of giving alternative accommodation for running the said society on dismantling the building the said workmen of the society were given leave without pay with the condition that the moment the building is installed their services would be called back by the management and that is why security money was not released and share of the members of the society was also not refunded. The management has not fulfill their assurance of installation of the building for running the society nor dissolved the society; and practically the said co-operative societies' remains defunct till to date. The management also has not taken any step for running the co-operative societies' as were in the force before 1-11-95. In the year 1991-92 N.F. Railway considered for absorption of number of employees working in the co-operative societies managed by the railway and absorbed them in different categories of Group 'D' services of the railway establishment; but since seniority of the above named did not permit for consideration of their absorption as per requirement of N.F. Railway Administration they remain unabsorbed till today. In the year 1999-2000 when new quota was fixed by the railway for absorption of employees of co-operative society their case was not considered even having clear merits and requisite qualifications. The employees of Railway's Consumer Co-operative Society of Badarpur which also was under active consideration of N. F. Railway for their absorption in their respective categories in railway establishment; but the claim of these workmen remain unconsidered although they have been forced to go on leave w.e.f. 1-11-95 by the management of the co-operative society. This conduct of N. F. Railway administration amounts to infringe the provision of Article 14 and 16 of Constitution of India. These workmen have to face economic hardship for long year for that attitude of railway administration. Both workmen and the Secy. of N.R. Railway Mazdoor Union presented the matter to the Divisional Manager. Alipurduar on 17-7-01 and negotiated for and amicable settlement but the result is negative. Rangia Railway Consumer Co-operative Society is under control of General Manager (P) N. F. Railway, Maligaon and its immediate supervisor is DRM/Alipurduar. The society has not been dissolved till today, the consumer goods remain

in stock without disposing the same which make them quite unfit for human consumption. The railway administration is bound to absorb these workmen at par with employees of other co-operative societies managed by railway administration but they did not take step to absorb the three workmen. According to principle of natural justice these workmen are coverable under the absorption policy 1999-2000 and they are entitled to be absorbed under that policy.

6. By filing written statement, the management of N.F Railway states that the suit is not maintainable in the present from in law as well as in fact. The Asstt. Labour Commissioner held a conciliation proceeding in connection with the grievances of the workmen and the management, vide letter No. E/170/Legal cell/RLC/21/2001 dated 7-2-2002, informed the Asstt. Labour commissioner that the said consumer's co-operative society is not functioning after demolition of the building since 1-1-95. The Rangia Railway Consumer Co-operative Society is established as per provision of Co-operative Societies Act 1912 and Societies Registration Act 1860 and the workmen were employed by the managing committee of the co-operative society after receiving Rs. 200 as security money from each of them. Dissolution of the co-operative returning the money of the share holders granting leave to the workers, cancellation of registration and refund the security money to its staff etc are the responsibility of the managing committee and not of the railway administration. Managing committee of the society is responsible for functioning or non-functioning of the society. The railway administration is not the managing committee of the above name co-operative society. The managing committee is constituted as per procedure of the Co-operative Society Act and Societies Registration Act and railway administration has only to play the role in the way of encouraging the promotion and development of co-operative activities in the railway, and with that view railway administration provides the societies accommodations, electricity and other facilities in normal rate. It is not true that in the year 1991-92 railway authority considered for absorption of number of employees of co-operative society in the railway establishment; in fact there is no such scheme as mentioned by the workmen and no such employees were absorbed in railway service by N.F. Railway administration. The Railway Board vide their letter No.E(NG)/II/99/RR-1/15 dated 30-5-2000 decided that railway may consider absorption only those staff of Quasi-administrative offices/organizations who were on roll continuously a period of atleast three years as on 10-6-97 and are still on roll subject to fulfillment of prescribed educational qualification required for recruitment of Grade 'D' post, but aforesaid three workmen were not on roll on 10-6-97 as the society remain defunct since 1995. The case of absorption of employees of Quasi-administrative offices are being dealt as per condition laid down in railway Board's letter dated 30-5-2000. The workmen do not fulfil requisite conditions

of laid down by the aforesaid letter and so they are not entitled to absorption in the railway service.

7. By filing addl. written statement, the workmen side states further that the railway administration supervises the management of all co-operative societies situated within the ambit of railway premises, and the railway administration can not shrug of its responsibility for the service and welfare of the employees of the co-operative societies. The management has not divulged the actual factual position in respect of absorption of employees of co-operative societies under its control. It is a liability of railway administration to keep the name of the staff of co-operative society under its control. Rangia Consumer Co-operative Society is not a defunct society. The management has not furnished the policy decision as they had formulated to comply with the guideline of railway Board's letter in respect of absorption of employees of the co-operative societies under its control. The railway administration discriminated these workmen in the matter of absorbing the workmen of the co-operative society in railway service. The management having been guided by extraneous considerations, mala fide exercised the power and that is why their action is hit by Article 14 and 16 of the Constitution.

8. The observation of Hon'ble High Court in the judgment dated 18-2-09 passed in W.P. (C) No. 2601/06 is very important in disposing the present dispute. In the said judgment Hon'ble High Court observes that as the said co-operative society, in question, had not been dissolved in accordance with law, the learned tribunal arrived at the finding that the workmen continued to be employees of said co-operative society though they were forced to remain on leave without pay, and the said co-operative society was in existence at least upto Feb.2002 and that finding have not been assailed by the respondent (by the railway) either before the court or in any other forum and in such circumstances the aforesaid finding have to be understood by the court to have attained finality in law. This observation by Hon'ble High Court must be understood as direct that the decision of the Industrial Tribunal in the Award dated 25-4-2005 that the co-operative society, in question was in existence atleast upto Feb. 2002 and these three workmen continued to be employee of the said co-operative society though they were forced to go on leave without pay attains finality in law. In view of that direction of Hon'bel High Court I must concede to the decision of my predecessor Presiding Officer in the Award dated 25-4-05 on those points and hold that the Rangia consumer Co-operative Society was in existence atleast upto Feb, 2002 and those three workmen are employees of the said society although they are on forced leave.

In the quoted judgment of the Hon'ble High Court; Hon'ble High Court further holds that the employees of Rangia Consumer Co-operative Society are coverable, under

the policy decision dated 30-5-2000 and they are entitled to absorption in Grade 'D' post of the railway service provided they fulfil prescribed educational qualification and certain other requirement with regard to age etc. It is already seen that Hon'ble High Court also observes that it has failed to reach any final conclusion as to whether the workmen concerned do or do not fulfil the requirement spelt out by the policy decision dated 30-5-2000 for want of materials on these points. From this observation of the Hon'ble High Court it is crystal clear that if the workmen fulfil the prescribed educational qualification and age, then they will be entitled to absorption in Group 'D' post of railway service. So in view of that observation, this tribunal has no alternative but held that the workmen of the instant case are coverable under the policy decision of the railway dated 30-5-2000. Now the only question remains to be determined by this tribunal is whether the workmen fulfil the prescribed educational qualification and age spelt by said policy decision.

9. I have perused exhibit A (the notification dated 30-5-2000) issued by Railway Board and it is found that the Board directs that railway may consider absorption of only those staff of quasi-administration offices/organization who were on roll continuously for a period of atleast three years as on 10-6-97 and are still on roll subject to fulfillment prescribed educational qualification required for recruitment in Group 'D' posts as well as prescribed age limit. Thus it is clear that if the workmen, in question, had the educational qualification and age limit for absorption in Group 'D' post on the date of first engagement in the said co-operative society, they will entitled to be absorbed in the Group 'D' post of the railway services. Both sides admit that the requisite qualification of Group 'D' post is reading upto class VIII and maximum age limit for recruitment in the said post is 30 years.

From exhibit 6 it is seen that the managing authority of employees Consumer Society, Rangia issuing certificate on 6-9-01 certifying that Siba Prasad Bhattacharjee, Dharmeswar Pathak and Ashok Dey were first appointed in the said co-operative society on 1-12-82. All three workmen by giving evidence, state that they were first appointed in the said co-operative society on 1-12-82 and all of them are appointed as salesman. Now the next question to be determined is that what was the academic qualification as well as the age of these workmen as on 1-11-82.

Workman Dharmeswar Pathak giving, addl. evidence states that he passed H.S.L.C. examination from Rangia Boys Higher Secondary School in the year 1978 and Exhibit 32 is the said certificate. He further states that he was born on 1-12-62 and his age was 15 years 5 months 1 day on 1-3-78 and Ext. 33 is the admit card and Exhibit 34 is the H.S.L.C. examination passed mark sheet. All these three documents are exhibited and un-objected and proved by originals. So I hold that these three documents are proof of

educational qualification and the age of Dharmeswar Pathak. These documents proves that Dharmeswar Pathak passed H.S.L.C. examination in the year 1978 and his age was 15 years 5 months 1 day on 1st March 1978 and his date of birth is 30-10-1962 and his age as on 1-1-1982 was 20 years 1 month 1 day.

Secondly Siba Prasad Bhattacharyee giving additional evidence states that he was born on 6-3-1956 and he passed H.S.L.C. examination from West Bengal Board of Secondary Education and Exhibit 35 is the admit card and Exhibits 36 is the mark sheet of the H.S.L.C. examination. These two documents are also exhibited unopposed. So they are proof of his qualification and age. I have perused Exhibit 35 and 36 and it appears to me that Siba Prasad Bhattacharyee passed H.S.L.C. examination from A.J.Y. Bidya Mandir under West Bengal Board of Secondary Education in the year 1974 and his date of birth is 6-3-1956. So it is proved that the educational qualification of Sri Siba Prasad Bhattacharjee is H.S.L.C. passed and his age on 1st December, 1982 is 26 years 8 months 7 days. Thus it is clearly established that on 1-12-1982, while these two workmen were first engaged by the Rangia Consumer Co-operative Society as salesman, they had requisite qualification and age to be absorbed in Group 'D' railway service. Be it mentioned that the third workman Ashok Dey has not turned up to contest the case after remand and therefore his age and qualification could not be determine by this tribunal and award can not be passed on his claim.

Because of what has been discussed and analysed, I hold that workmen Dharmeswar Pathak and Siba Prasad Bhattacharyee are entitled to absorption in Group 'D' post of N. F. Railway as per Policy Decision of the Railway Board dated 30-5-2000.

10. Summing up my discussion as above, I hold that the action of the management of N. F. Railway, Guwahati by not absorbing Sri Dharmeswar Pathak and Sri Siba Prasad Bhattacharyee in Group 'D' posts in N. F. Railway is not justified and that both of them are entitled to absorption in the Group 'D' post of N. F. Railway as per Policy Decision of the Railway Board dated 30-5-2000. The dispute between management and Ashok Dey dropped undecided having Ashok Dey found not interested in this reference case. Accordingly I direct General Manager (P) of N. F. Railway, Maligaon, Guwahati to absorb Shri Dharmeswar Pathak and Shri Siba Prasad Bhattacharjee in Group 'D' posts in N. F. Railway within reasonable period required for processing the matter.

Copy of Award be sent to the Government of India, Ministry of Labour for publication.

Given under my hand and seal on this the 17th day of Nov, 2009.

S. HUSSAIN, Presiding Officer